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# Agenda

## Environmental Protection Commission

March 15, 1999

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

### Public Participation

10:30 A.M.

Appointment: Holnam INC. (Item 18-A)  
Sale-R-Villa - (Item 18-C)

1:00 p.m.  
1:30 p.m.

### Agenda topics

- |   |                            |
|---|----------------------------|
| 1. Approve Agenda   |                            |
| 2. Approve Minutes of February 15, 1999   |                            |
| 3. Director's Remarks and Introductions   | Paul Johnson               |
| 4. Monthly Financial Status Report  | Stan Kuhn (Information)    |
| 5. Regulated Community Survey and Stakeholders Forums<br>Contract Approval  | Roya Stanley (Decision)    |
| 6. Earthly Goods Marketing Cooperative for Organic<br>Products Contract   | Roya Stanley (Decision)    |
| 7. Regional Collection Center Contract Approval   | Roya Stanley (Decision)    |
| 8. Notice of Intended Action--Chapter 105, Organic Materials<br>Composting Facilities                                 | Roya Stanley (Decision)    |
| 9. Final Rule--Chapter 209, Solid Waste Alternatives<br>Program   | Roya Stanley (Decision)    |
| 10. Monthly Reports   | Allan Stokes (Information) |
| 11. Contract Amendment for Construction Permit Review   | Allan Stokes (Decision)    |
| 12. Air Quality - Title V Fee Budget Review   | Allan Stokes (Information) |
| 13. Proposed Rule--Chapter 64, Stormwater Permits   | Allan Stokes (Information) |
| 14. Notice of Intended Action--Chapter 40, 41, 42, 43, 83,<br>Water Supply and Environmental Laboratory Certification | Allan Stokes (Decision)    |
| 15. Notice of Intended Action--Chapter 55, Aquifer Storage<br>and Recovery Rules                                      | Allan Stokes (Decision)    |

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| 16. | Five-Year Strategic Plan/Operator Certification Program    | Allan Stokes (Decision)    |
| 17. | Final Rule--Chapter 65, Animal Feeding Operations          | Allan Stokes (Decision)    |
| 18. | Referrals to the Attorney General                          | Allan Stokes (Decision)    |
|     | a) Holnam Incorporated (Mason City)                        |                            |
|     | b) LaFarge Corporation (Davenport)                         |                            |
|     | c) Sale-R-Villa Construction, Inc. (Perry)                 |                            |
|     | d) Dean Adrian (Clinton County)                            |                            |
|     | e) Troy Hanson (Wright County)                             |                            |
|     | f) Randy Harbach, dba Randy's Sanitation (Delaware County) |                            |
| 19. | Legislation Update   | Larry Wilson (Information) |
| 20. | General Discussion   |                            |
| 21. | Address Items for Next Meeting                             |                            |

<b>Next Meeting Dates</b>	April 19, 1999
	May 17, 1999
	June 21, 1999

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 15

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

STEVE BUYER	Alliant Energy	Cedar Rapids
Joe Robertsen	Marshall Co Solid Waste	Marshalltown
DAN VEST	GROWMARK, INC.	BLOOMINGTON, IL
Arleen A. KAIZER	DNR	Urbandale
Jane McAllister	Ahlens Law Firm	DSM
Thomas W. Neumann	Iowa Water Pollution Control Assoc	Ames
Cathy Woollus	Mid American Energy	Davenport
Tom Anderson	DNR	DSM
Perry Beeman	DM Register	DM
Rick Kelly	UHL	DL
Karen Nachtman	IAMU	Ankeny
Andrea Joque	2nd League of Cities	DSM
Jack Clark	Iowa Utility Assoc	DSM
Hal Morton	DNR & WC	Burlington
Steve Moehlmann	M&M Env Svcs	Ames
HARRIS SEIDEL	(IOWA SECTION AM. WATER WORKS ASS'N and IOWA WATER POLLUTION CONTROL ASSOCIATION)	Ames
Kevin S. Vinchakke	Iowa Poultry Assoc.	Ames
Chris Gruenhagen	Farm Bureau	WDSM
MARK D. Friesen	Iowa Poultry	Jefferson

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 15, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Robert Davis

IN PCA

Des Moines

Byron Taylor

Sidley & Austin

Chicago

Scott Heard

HOLNAM

Mason City

Cindy Johnson

HOLNAM

MASON CITY

Dale Bradwell

Isabel Coe

Ames, Ia

James Mastell

Farmer

STORY CITY, IA

Dale Johnson

FB spokesman

WDM

Dennis Mayle

Iowa State Univ

Ames

Andsey Fausa

Iowa Farm Bureau

Jefferson

Myron Hill

Farmer

Clairon

Blaine Kibler

Iowa farmers union

Clairon, Ia

Aaron Haley Lennon

Iowa Farmers Union

Ames

Eldon McAfee

Beverly Law Iowa Pork

Des Moines

Reet Hamer

PNR

Des Moines

Paul Miller

USDA - NRCS

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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**MARCH 15, 1999**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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**MEETING MINUTES****CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, March 15, 1999, in the Wallace State Office Building, Des Moines, Iowa.

**MEMBERS PRESENT**

William Ehm, Chair  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Kathryn Murphy  
Gary Priebe  
Rita Venner

**MEMBERS ABSENT**

Randal Giannetto  
Terrance Townsend, Vice-Chair

Chairman Ehm reported that Randal Giannetto phoned to say he has a court case today and will not be able to attend the meeting. Terrance Townsend also called and said he has a conflict and will not attend today's meeting.

**ADOPTION OF AGENDA**

The following adjustments were made to the agenda:

- Add: Appointment - Holnam, Inc.referral (Item 18a) 1:00 p.m.
- Delete: Appointment - Sale-R-Villa referral (Item18c) 1:30 p.m.

*Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS AMENDED**

**APPROVAL OF MINUTES**

*Motion was made by Rozanne King to approve the meeting minutes of February 15, 1999, as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
------------------------------

**DIRECTOR'S REMARKS AND INTRODUCTIONS**

Paul Johnson, Director, mentioned that he had wanted a deputy director for the environmental protection side as well as the natural resources side, but the Code does not allow for two deputy's. He related that Larry Wilson is the deputy director for natural resources issues and Lyle Asell has been hired as a special assistant to work on environmental protection issues. Mr. Johnson noted that a lot of the issues dealing with environmental protection often focus around the uses and management of land, and Lyle is a very good person to handle those things. He will focus primarily on ag and environment issues from a proactive, voluntary approach.

**FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the division operations budget status report as of 2/28/99. Except for the Parks division, all are under budget as of 2/28/99.

The Parks actual as of 2/28/99 includes \$126,724 in SPOC retirement costs which were not included in the division's appropriation. A supplemental request is being considered by the 1999 General Assembly to cover these costs. If approved, the deficit as of 2/28/99 would be reduced by \$126,724.

**Monthly Operations Budget Status Report**  
2/28/99

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Director's Office/Info & Ed.	1,903,785	2,224,453	1,390,558	1,264,805	125,753
Administrative Services Div.	5,590,432	5,971,145	3,800,500	3,514,571	285,929
Parks, Rec. & Preserves Div.	9,591,489	9,774,283	6,029,123	6,396,819	(367,696)
Forests & Forestry Division	2,861,695	3,101,789	1,997,607	1,963,173	34,434
Energy & Geo. Res. Division	3,797,839	5,099,220	3,120,825	2,323,126	797,699
EPD Division	17,657,140	21,562,618	13,529,428	11,740,617	1,788,811
FW Division	20,508,662	21,439,730	13,649,665	13,592,370	57,295
Waste Mngt Assistance Div.	1,524,107	1,599,444	983,225	766,230	216,995
	63,435,149	70,772,682	44,500,930	41,561,711	2,939,219

**Director's Office/ Information & Education**

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
<u>Director's Office &amp; Commissions</u>	324,358	286,970	180,601	236,892	(56,291)
Permit Compliance Team	150,082	180,494	115,551	104,339	11,212
REAP Program	43,583	40,000	23,232	9,238	13,994
Policy Coordination	24,350	99,676	63,539	26,547	36,992
Total Director's Office	542,373	607,140	382,924	377,016	5,908

**Information & Education Bureau**

I&E General Operations	468,958	495,622	311,080	310,586	494
Conservationist Magazine	314,335	389,372	237,209	197,980	39,229

Education Center Programs	177,629	202,238	127,419	121,699	5,720
Aquatic Education	274,745	292,685	180,474	118,385	62,089
Fish and Wildlife Information	23,300	13,111	8,388	6,664	1,724
Energy Information	44,341	73,684	46,212	36,663	9,549
Groundwater Education	3,800	15,000	10,970	3,953	7,017
Waste Mngt Information	0	37,668	24,100	14,938	9,162
319 Planning Information	12,755	41,930	26,724	41,892	(15,168)
Air Quality Title 5 Information	31,898	48,003	30,635	30,500	135
Education Workshops	4,442	8,000	4,422	3,912	510
Outdoor Learning	5,143	0	0	617	(617)
Hooked on Fishing	66	0	0	0	0
Total I & E Bureau	1,361,412	1,617,313	1,007,634	887,789	119,845
Total Director's Office/Info & Ed.	1,903,785	2,224,453	1,390,558	1,264,805	125,753

## Administratives Services Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
State Central Services & Indirect	96,865	100,943	100,910	103,224	(2,314)
Budget and Finance Bureau	1,150,742	1,213,845	737,197	701,048	36,149
Administrative Services Bureau	1,395,968	1,548,590	977,210	837,024	140,186
Central Data Processing Bureau	874,571	824,278	530,017	529,399	618
Licensing Bureau	379,463	478,004	297,285	252,512	44,773
Construction Services Bureau	1,013,715	1,073,769	685,802	668,459	17,343
CSB-Park Road Design	87,484	59,464	38,045	46,825	(8,780)
Land Acquisition & Mngt Bureau	486,363	517,255	330,354	306,446	23,908
Division Mngt & Misc.	105,261	118,119	75,596	69,634	5,962
Special Training & Technology	0	36,878	28,086	0	28,086
Total Administrative Services Div.	5,590,432	5,971,145	3,800,500	3,514,571	285,929

## Parks, Recreation and Preserves Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Parks Field Management	266,795	289,297	166,828	191,193	(24,365)
NW District Parks Operations	1,996,471	2,035,574	1,267,557	1,322,538	(54,981)
NE District Parks Operations	1,871,776	1,905,260	1,190,158	1,208,683	(18,525)
SE District Parks Operations	2,211,805	2,267,503	1,411,666	1,438,805	(27,139)
SW District Parks Operations	2,015,040	2,056,581	1,280,074	1,360,022	(79,948)
Parks & Preserves Programs & Mngt	703,158	717,020	440,815	453,898	(13,083)
Endangered Species Grants	6,000	32,000	17,600	43,079	(25,479)
Preserves Grants	8,000	16,000	8,800	16,000	(7,200)
DED Parks Grants	35,868	30,000	19,034	18,308	726
DED Trails	4,272	38,770	25,984	36,694	(10,710)
Trail Development Grants	35,580	3,282	2,100	4,469	(2,369)
Historical Grant	0	0	0	1,558	(1,558)
Total Development Grants	75,720	72,052	47,117	59,471	(12,354)
Cedar Rock	146,968	140,166	86,600	76,213	10,387
Division Management & Misc.	136,440	129,113	82,730	92,061	(9,331)
Special IT Project	0	38,717	29,178	0	29,178
SRF Loan Repayment	7,928	75,000	0	6,574	(6,574)
Ranger SPOC Retirement Benefit	145,388	0	0	126,724	(126,724)
Total Parks, Rec. & Preserves Div.	9,591,489	9,774,283	6,029,123	6,396,819	(367,696)

## Forests &amp; Forestry Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Forest Nursery Production	562,259	660,769	436,440	468,456	(32,016)
Forest Nursery Services	94,367	102,752	65,402	63,055	2,347
Shimek Forest	217,374	239,187	152,747	145,690	7,057
Stephens Forest	179,317	180,692	115,986	116,863	(877)
Yellow River Forest	235,513	255,706	163,268	150,081	13,187
Loess Hills Forest	171,520	170,027	108,049	119,642	(11,593)
Nursery & Forests Management	144,754	160,823	104,631	87,524	17,107
Farm Forestry Services	765,351	835,555	534,157	488,183	45,974
Trees For Kids Video	11,642	0	0	1,065	(1,065)
Trees For Kids Project	34,974	30,000	17,820	4,977	12,843
Forestry Services Management	331,063	311,136	198,232	208,025	(9,793)
Division Management	113,561	129,700	85,290	109,612	(24,322)

Special IT Project	0	25,442	15,586	0	15,586
Total Forests & Forestry Division	2,861,695	3,101,789	1,997,607	1,963,173	34,434

## Energy &amp; Geological Resources Division

Budget Unit	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Energy Bureau:					
Biomass	79,721	81,620	51,620	30,157	21,463
SIFIC A	49,169	60,394	38,402	29,184	9,218
SIFIC B	66,309	54,088	34,525	23,470	11,055
SIFIC Innovation Project	73,460	99,200	63,413	7,460	55,953
State Energy Program	537,322	596,958	381,744	365,327	16,417
SEP Industrial Technology	0	80,000	44,000	0	44,000
SEP Bldg Code #2	0	48,545	27,795	7,210	20,585
SEP FEMP 2	0	264,523	156,054	53,434	102,620
Soya Diesel	22,456	80,000	44,000	0	44,000
Building Code, Energy	3,000	8,000	4,400	5,538	(1,138)
Heating Oil & Propane Program	14,426	23,820	14,263	8,967	5,296
Energy Advancement	44,554	34,618	21,780	36,998	(15,218)
Greenhouse Gas	0	23,402	12,871	4,378	8,493
Greenhouse Gas #3	0	75,000	41,250	0	41,250
Federal Energy Bank	69,339	4,354	2,395	0	2,395
Energy/Education Study	28,363	19,389	10,664	19,054	(8,390)
Ethanol Seminar, Council of Gov's	21,877	50,000	27,500	0	27,500
Oil Overcharge - 3 Admin	198,502	229,316	145,278	92,130	53,148
EPA Risk Assessment Project	25,053	7,421	4,082	13,112	(9,030)
Rebuild Iowa	141,632	87,089	50,223	61,897	(11,674)
Rebuilding Iowa #2	0	98,426	55,958	9,847	46,111
SEP ENG Code	23,438	168,035	94,104	62,873	31,231
Federal Energy Mngt Program	31,194	59,996	32,998	4,947	28,051
Commercial Wind Energy	38,003	172,409	94,825	72,125	22,700
Wind Assessment	1,343	0	0	0	0
SEP Climate Wise	23,000	27,000	14,850	0	14,850
Ethanol Market Research	53,280	0	0	0	0
Total Energy Bureau	1,545,441	2,453,603	1,468,993	908,108	560,885

Geology Bureau:					
Camp Dodge GIS Support	0	21,445	13,693	3,417	10,276
Camp Dodge Wetland	3,297	4,420	2,625	575	2,050
Camp Dodge Mapping	18,044	36,290	22,197	5,682	16,515
Floyd Cty ADW Project	12,663	16,699	10,192	12,731	(2,539)
Geology/Mineral Resources	369,792	426,707	271,913	247,136	24,777
Digital Mapping	100,132	19,386	11,744	16,149	(4,405)
Digital Survey	49,415	0	0	0	0
Wright Cty Monitoring	0	27,926	17,073	2,001	15,072
Hydrology/Environment	465,206	456,251	291,987	259,851	32,136
Livestock Regulation	0	76,001	48,625	38,242	10,383
State Mapping	31,342	149,367	91,701	96,852	(5,151)
SORC Water Reporting	0	0	0	27,227	(27,227)
Pesticide Mngt Project	28,442	35,756	23,136	24,204	(1,068)
Geology Information	232,408	246,497	158,789	95,231	63,558
Wellhead Protection	0	13,000	8,317	5,290	3,027
Big Springs Project	29,179	38,879	22,540	27,906	(5,366)
Geographical Info System	134,610	190,375	123,381	120,487	2,894
319 Planning - 91	24,092	21,164	12,758	1,847	10,911
319 Planning - 93	124,557	184,575	107,336	63,253	44,083
Walnut Creek Restoration	109,055	118,079	66,901	53,180	13,721
Wellhead Protection, EPA	52,139	59,934	36,463	42,228	(5,765)
USGS Coop. Agreement	155,492	156,154	85,885	75,610	10,275
Geology Bureau Mngt	216,821	234,159	151,375	134,038	17,337
Total Geology Bureau	2,156,686	2,533,064	1,578,631	1,353,137	225,494
Special Technology Initiative	0	10,826	8,491	0	8,491
Energy & Geological Div Mngt	95,712	101,727	64,710	61,881	2,829
Total Energy & Geological Resources	3,797,839	5,099,220	3,120,825	2,323,126	797,699

## Environmental Protection Division

FY98	FY99	FY99YTD	FY99YTD	Variance
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Budget Units	Actual	A/BDGT	A/BDGT	Actual	Under(Ovr)
Water Quality Bureau:					
Wastewater (NPDES) Mngt	698,887	812,628	504,867	422,441	82,426
Storm Water Permitting	196,068	217,508	138,525	131,625	6,900
Livestock Permits (C. Office)	334,331	315,029	202,173	259,941	(57,768)
State Revolving Grant Mngt	253,525	389,594	249,170	203,136	46,034
GW County Grants Mngt	60,555	53,853	33,970	31,914	2,056
Water Monitoring Workshop	1,812	0	0	0	0
Streamflow Statistics Report	12,745	13,470	7,453	13,195	(5,742)
Data Design	0	42,105	23,158	0	23,158
GIS Locational Data	3,135	15,250	9,757	9,404	353
604B Water Planning	177,522	186,227	118,769	126,837	(8,068)
Floodplain Reg & Mngt(SW)	0	101,800	65,634	13,911	51,723
Floodplain Reg & Mngt(GF)	358,733	324,737	208,735	206,066	2,669
319 Water Planning-91	25,109	0	0	0	0
319 Water Planning-92	94,707	50,000	27,500	69,663	(42,163)
319 Water Planning-93	115,336	185,000	101,750	27,430	74,320
319 Water Planning-94	301,466	200,000	110,000	70,834	39,166
319 Water Planning-95	417,223	200,000	110,000	128,723	(18,723)
319 Water Planning-96	483,501	538,253	326,917	251,313	75,604
319 Water Planning-97	180,379	205,151	113,060	233,660	(120,600)
319 Water Planning-98	0	100,000	55,000	82,456	(27,456)
Total 319 Water Planning	1,617,721	1,478,404	844,227	864,079	(19,852)
Water Supply Regulation	967,609	1,184,899	745,349	734,743	10,606
Water Rights Administration	137,682	147,844	95,578	83,865	11,713
Operator Certification Support	42,109	104,540	59,667	50,852	8,815
SRF Drinking Water Source	0	350,556	213,026	7,665	205,361
SRF Drinking Water Admin	0	78,776	49,927	14,194	35,733
SRF Drinking Water Tech	0	100,650	55,386	2,143	53,243
Well Contractor Permits	38,063	42,853	26,818	26,448	370
Public Wtr Supply Trng	0	10,000	5,500	0	5,500
Water Supply - Flood	12,000	0	0	0	0
Lab Certification	156,659	102,500	56,494	33,775	22,719
Stream Watershed Assessment	38,309	820	510	832	(322)
Total Water Quality	5,107,465	6,074,043	3,714,693	3,237,066	477,627
Air Quality Bureau:					
Air Quality Regulation & Planning	1,989,969	1,865,725	1,141,881	1,104,182	37,699
Air PM 2.5 Monitoring	107,407	544,105	301,913	455,476	(153,563)
Title V, Permitting, Enforcement	3,471,625	4,873,474	3,005,342	2,311,579	693,763
Total Air Quality Bureau	5,569,001	7,283,304	4,449,136	3,871,237	577,899
Land Quality Bureau:					
Waste Management	520,591	655,015	417,923	328,896	89,027
Solid Waste Authorization	52,304	63,473	40,453	32,510	7,943
GW Professional Registration	23,466	36,053	21,871	25,548	(3,677)
UST	225,783	297,868	189,108	148,325	40,783
LUST Cleanup	562,038	759,654	489,270	355,986	133,284
Hazardous Waste Sitting	58,061	164,675	103,496	64,321	39,175
Remedial Activity	24,087	82,120	51,402	11,803	39,599
AIDEX Monitoring	37	5,000	2,910	3,607	(697)
Superfund Program Management	176,203	192,821	123,357	120,170	3,187
Multisite, Investigation & Assess.	125,501	74,976	45,554	70,947	(25,393)
General Motors Site Mngt	30,228	55,626	36,013	10,577	25,436
Waste Tire Permitting	1,507	1,000	640	512	128
Emergency Response	183,286	215,899	138,272	113,223	25,049
LUST Field Support	0	0	136,962	136,952	10
BrownFields Initiative	1,271	0	0	23,166	(23,166)
BrownFields Development	97,586	0	0	0	0
Total Land Quality Bureau	2,081,949	2,604,180	1,797,230	1,446,543	350,687
Legal & Compliance Bureau:					
LUST Cleanup	540,509	580,746	373,672	321,097	52,575
Air Quality-Field Const. & Mngt	135,901	187,394	120,766	106,701	14,065
Air Quality-Field Title 5	402,937	538,070	346,921	310,342	36,579
Wastewater-Field	1,405,022	1,505,466	944,083	791,484	152,599
Water Supply-Field	646,629	661,994	423,387	414,519	8,868
Waste Mngt-Groundwater	634,634	715,766	462,271	417,186	45,085
Water Supply Technical Asst.	160,186	203,445	133,529	94,887	38,642
Livestock-Field	314,278	509,168	328,103	284,742	43,361

Legal/Compliance Mngt	435,135	491,260	304,439	295,010	9,429
Total Legal & Compliance Bureau:	4,675,231	5,393,309	3,437,171	3,035,968	401,203
EPD Division Mngt & Misc	223,494	207,782	131,198	149,803	(18,605)
Totals, EPD Division	17,657,140	21,562,618	13,529,428	11,740,617	1,788,811

## Fish and Wildlife Division

Budget Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Law Enforcement:					
NW Enforcement District	891,938	912,883	586,675	587,536	(861)
NW Enf. Boating Safety	28,697	25,900	15,410	15,915	(505)
NE Enforcement District	1,121,055	1,144,914	735,134	741,902	(6,768)
NE Enf. Boating Safety	13,482	11,500	6,831	5,219	1,612
SW Enforcement District	770,591	772,603	496,243	497,791	(1,548)
SW Enf. Boating Safety	23,800	6,800	4,039	2,348	1,691
SE Enforcement District	965,319	992,549	637,562	644,710	(7,148)
SE Enf. Boating Safety	12,440	16,000	9,504	18,167	(8,663)
NC Enforcement District	833,275	817,076	525,399	535,441	(10,042)
NC Enf. Boating Safety	17,662	16,700	9,920	12,454	(2,534)
SC Enforcement District	732,577	952,295	611,455	438,247	173,208
SC Enf. Boating Safety	241,243	52,120	38,297	109,828	(71,531)
Hunter Safety	410,608	360,787	225,060	236,300	(11,240)
Boating Safety	279,974	370,819	236,898	282,003	(45,105)
Snowmobile Safety	83,780	68,078	43,406	33,845	9,561
DPS AICO Grant	0	9,000	7,200	0	7,200
Big Creek Range Maint.	7,064	7,000	4,158	6,275	(2,117)
Boat Equipment Special	0	300,000	238,970	195,520	43,450
Cons. Law Bureau Mngt	223,941	448,401	285,789	228,192	57,597
Officer SPOC Retirement Benefit	202,080	0	0	86,585	(86,585)
Total Law Enforcement	6,859,526	7,285,425	4,717,950	4,678,278	39,672

## Fisheries:

## Hatcheries:

Big Springs Fish Hatchery	218,264	224,517	141,906	144,118	(2,212)
Decorah Fish Hatchery	260,875	264,704	166,711	154,316	12,395
Fairport Fish Hatchery	155,124	165,642	105,066	102,543	2,523
Manchester Fish Hatchery	256,660	265,704	167,675	170,625	(2,950)
Rathbun Fish Hatchery	492,310	524,418	324,285	337,813	(13,528)
Spirit Lake Fish Hatchery	361,034	383,650	236,000	217,979	18,021
Total Hatcheries	1,744,267	1,828,635	1,141,643	1,127,394	14,249

## Fisheries Management:

NW District	602,267	643,465	409,519	380,779	28,740
NE District	659,233	669,545	428,797	434,739	(5,942)
SW District	502,013	515,410	331,447	322,762	8,685
SE District	528,977	562,155	362,538	339,329	23,209
Total Fisheries Management	2,292,490	2,390,575	1,532,301	1,477,609	54,692

## Fisheries Research:

Mississippi Monitoring	328,018	344,744	220,447	191,526	28,921
Aquatic Education Project	151,318	101,479	64,571	70,588	(6,017)
Milfoil Project	75,159	100,927	54,069	41,610	12,459
Bellevue Fisheries Research	176,869	181,837	116,438	112,669	3,769
Chariton Fisheries Research	277,517	273,084	176,634	163,291	13,343
Cold Springs Fisheries Research	137,688	129,318	82,871	86,737	(3,866)
Bozeman Project	0	12,000	6,600	0	6,600
Manchester Fisheries Research	126,578	128,728	83,369	86,779	(3,410)
Fish Production Drug Study	20,000	20,000	20,000	20,000	0
Rathbun Fisheries Research	154,394	167,931	105,971	101,841	4,130
Spirit Lake Fisheries Research	144,384	138,177	88,911	98,834	(9,923)
MARIS Study	0	10,000	5,500	0	5,500
Total Fisheries Research	1,591,925	1,608,225	1,025,381	973,875	51,506
Fisheries Bureau Mngt	461,215	528,482	318,963	280,638	38,325
Total Fisheries Bureau	6,089,897	6,355,917	4,018,288	3,859,516	158,772

## Wildlife Bureau:

## Wildlife Area Maint. &amp; Mngt:

NW District Operations	1,096,763	1,096,021	691,296	669,567	21,729
NE District Operations	1,009,561	1,011,560	639,298	626,640	12,658

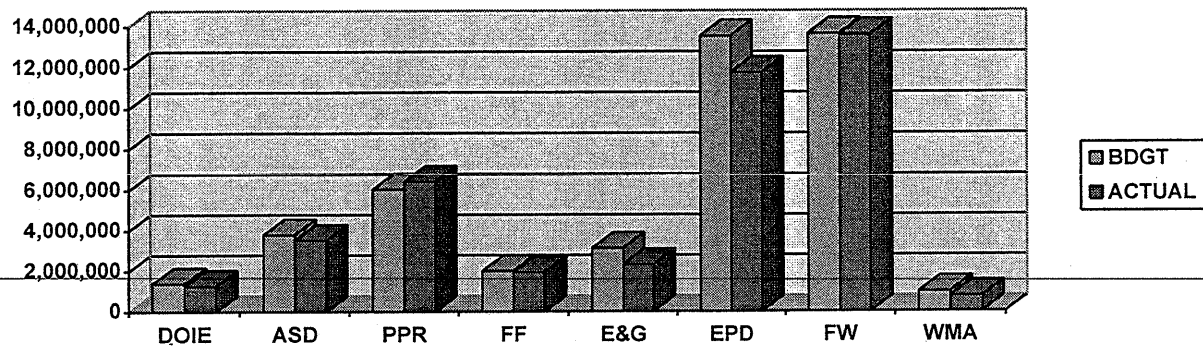
## Environmental Protection Commission Minutes

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SW District Operations	1,026,006	1,060,938	669,142	625,444	43,698
SE District Operations	1,200,085	1,267,609	799,642	797,416	2,226
Wetlands Project Support	15,317	1	1	0	1
Wildlife Area Maint. & Mngt	4,347,732	4,436,129	2,799,378	2,719,067	80,311
Corps WMA Areas, Cond. 5:					
Saylorville Cond 5 WMA	44,719	36,603	23,424	79,331	(55,907)
DM River Cond 5 WMA	18,788	12,500	8,905	5,196	3,709
Missouri River Cond 5 WMA	0	4,000	2,376	1,348	1,028
Red Rock Cond 5 WMA	107,526	160,227	98,891	152,201	(53,310)
Coralville Cond 5 WMA	39,799	51,962	33,214	34,239	(1,025)
Riverton Cond 5 WMA	1,500	0	0	3,046	(3,046)
Rathbun Cond 5 WMA	39,030	30,153	18,931	23,595	(4,664)
Total Corps WMA Mngt	251,362	295,445	185,741	298,956	(113,215)
Total WMA Maint. & Mngt	4,599,094	4,731,574	2,985,119	3,018,023	(32,904)
Wildlife Research:					
Boone Research, State	132,208	190,964	122,156	86,248	35,908
Boone Research, Federal	107,845	134,551	84,999	75,380	9,619
Chariton Research, State	56,451	77,478	49,900	65,033	(15,133)
Chariton Research, Federal	131,166	128,990	82,130	41,125	41,005
Clear Lake Research, Federal	169,898	144,004	91,746	80,213	11,533
Clear Lake Research, State	115,378	86,560	55,846	86,074	(30,228)
Wildlife Diversity Project	226,346	252,892	158,277	155,301	2,976
Harvest Information Program Grant	12,018	40,000	23,760	23,310	450
Total Wildlife Research	951,310	1,055,439	668,815	612,684	56,131
Prairie Seed Project	0	0	0	50,904	(50,904)
Wildlife Depredation Mngt	137,672	166,497	110,704	69,141	41,563
Wildlife Bureau Mngt & Misc	1,441,247	1,435,855	902,254	1,054,543	(152,289)
Total Wildlife Bureau	7,129,323	7,389,365	4,666,892	4,805,295	(138,403)
FW Division Mngt & Misc	429,916	409,023	246,535	249,281	(2,746)
Total FW Division	20,508,662	21,439,730	13,649,665	13,592,370	57,295

## Waste Management Assistance Division

Budget Units	FY98 Actual	FY99 A/BDGT	FY99YTD A/BDGT	FY99YTD Actual	Variance Under(Ovr)
Buy Recycled Business Alliance	1,500	1,500	914	0	914
Planning & Grants	197,986	172,650	104,801	95,181	9,620
Landfill Alternatives	135,231	156,416	98,470	69,549	28,921
Waste Tires Program	44,427	54,438	34,407	30,121	4,286
Waste Recycling	277,330	289,774	177,348	144,542	32,806
Household Hazardous Waste Adm	225,297	266,668	159,446	94,034	65,412
Waste Reduction Assistance	122,153	159,303	100,795	74,678	26,117
PPIS Set Aside	0	26,470	14,843	0	14,843
Pollution Prevention (WRAP)	180,557	69,100	41,197	54,148	(12,951)
Pollution Prevention (WRAP)2	0	120,200	73,676	16,209	57,467
Waste Reduction Program	23,182	5,100	3,029	28,135	(25,106)
Solid Waste Reduction Grant	15,124	0	0	17,062	(17,062)
Collection Efficiency Project	0	17,500	9,250	326	8,924
Sustainable Conference	24,000	0	0	0	0
WMA Division Mngt	277,320	260,325	165,048	142,245	22,803
Waste Mngt Assistance Totals	1,524,107	1,599,444	983,225	766,230	216,995



Mr. Kuhn presented the division status reports noting that Parks Division is over budget. He related that costs will be slowed during the last several months in terms of seasonal expenditures, and good camping weather would help.

Brief discussion followed.

**INFORMATIONAL ONLY**

### **REGULATED COMMUNITY SURVEY AND STAKEHOLDERS FORUMS - CONTRACT APPROVAL**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to enter into a contract with Hill Simonton Bell to conduct scientific research on how regulatory issues, availability of technical assistance, and economic considerations influence customer's decisions with regard to pollution prevention and environmental compliance. This research will include analysis of the findings from focus group and survey activities conducted by the selected contractor. The research contract with Hill Simonton Bell will not exceed \$26,000.

#### **Background**

The Department recognizes pollution prevention as an effective strategy for promoting environmental compliance and achieving economic efficiencies by the regulated community. The Department is currently seeking "best practices" or those mechanisms that will support the implementation of pollution prevention by the regulated community. The Department is also examining means for improving the delivery of its environmental media permitting services. The success of these endeavors is contingent upon the Department gaining a better understanding of the issues which influence customer's decisions with regard to environmental compliance. Obtaining this information requires stakeholder feedback and a comprehensive scientific survey of the regulated community.



Findings from this research will be used by the Department to design technical assistance and pollution prevention services, and to improve regulatory programs and service delivery. The Department anticipates that these services and improvements will enhance customers' ability and willingness to comply with regulations and even be motivated to go beyond minimum regulatory limits.

**Deliverables**

- Develop a customer database to ensure that a statistically valid representation of the regulated community population participates in the focus groups and survey;
- Research and report on findings and outcomes from similar studies conducted by other state regulatory agencies;
- Prepare, recruit participants for, and facilitate three focus group meetings;
- Using findings from research and focus group activities, develop and conduct a phone survey using a sample size of 300 subjects;
- Collect, verify, tabulate and analyze survey data;
- Provide a written report of the results of the survey that includes actionable recommendations for program improvements and pollution prevention-based services.

**Budget**

Investigate other states' research	\$450.00
Customer database development	\$1,500.00
Focus groups (3 groups)	\$9,265.00
Telephone survey (n=300)	\$4,500.00
Data collection and tabulation	\$10,250.00

**Total** **\$25,965.00**

At this time, the Commission is requested to approve the Department entering into a contract with Hill Simonton Bell subject to satisfactory negotiation of budget, and deliverables.

Ms. Stanley reviewed details of the contract noting that this will help staff to know more about how to facilitate voluntary pollution prevention. She related that there are a number of things going on in the department and with partners around the state which will help not to merely meet regulations, but to become more efficient in terms of operation, and thereby generate less pollution.

Charlotte Mohr asked where Hill Simonson Bell is located, and Ms. Stanley replied that they are located in Des Moines.

Rozanne King asked how businesses are selected for interview and how many will be interviewed.

Ms. Stanley responded that she will look to the statisticians to determine the size of sampling and to get a good balance of focus groups. She related that there would be approximately 300 subjects.

*Motion was made by Charlotte Mohr to approve the Survey and Stakeholders Forum Contract as presented. Seconded by Dean McWilliams. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **EARTHLY GOODS MARKETING COOPERATIVE FOR ORGANIC PRODUCTS CONTRACT**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to enter into a contract with Earthly Goods Marketing Cooperative subject to satisfactory negotiation of budget, match and deliverables. The Department is recommending an award of a \$157,000 forgivable loan. A description of the project follows.

### **PROJECT DESCRIPTION**

Earthly Goods Marketing Cooperative is headquartered in Fort Madison and currently serves companies in Iowa, Missouri and Minnesota. In 1999, the cooperative will sell more than 2,000,000 bags of compost, wood chips and colored wood mulch. The applicant is proposing to expand its organic products marketing cooperative. The cooperative proposes to sell an additional 1,200,000 (total of 3,200,000) 40 pound bags per year by the year 2001.

Earthly Goods Marketing Cooperative will use the financing provided by the Department to offer its services to 7 additional Iowa companies. Currently, the cost to become a member of the cooperative is \$20,000. As a result of Department financing, seven companies will receive membership at a greatly reduced membership rate based on a sliding scale. The sliding scale will be based on the tonnage of material produced by each company. By greatly reducing the membership rate, smaller Iowa companies will have the opportunity to use the cooperative's services and the cooperative will be able to meet the unmet market demand for its organic products. Since the cooperative receives ten percent of the product sales revenue, selling the additional 1,200,000 bags will provide the financing for the cooperative to continue the expanded service in the future.

### **PRIMARY DELIVERABLES**

- 1.2 million additional bags of Iowa organic products (24,000 tons) marketed per year
- At least 7 compost facilities currently not marketing or under marketing their compost or wood products will receive the marketing services necessary to assist their facilities in becoming revenue earning centers

- Smaller facilities will receive the technical assistance needed to produce a better quality value added product
  - Facilities will share equipment reducing capital costs and shortening the time of return on investment
  - Earthly Goods Marketing Cooperative will be able to supply current unmet demand for product
  - Solid waste agencies will generate additional revenue from compost, that can be used to provide funding for other integrated solid waste programs
- 
- Earthly Goods Marketing Cooperative will be a model for other recyclable commodities marketing cooperatives
  - The Department will be offered a seat on the cooperative's board of directors

### **SERVICES OFFERED BY THE COOPERATIVE**

- "Door-to-door" sales of organics products to retailers and wholesalers
- Order tracking
- Technical assistance in product production, testing and quality
- Low-cost use of cooperative shared equipment
- Bulk purchase discounts of product bags and bagging supplies
- Product shipping arrangements and oversight
- Bookkeeping and accounting services for all sales transactions
- Monthly and quarterly reports to all cooperative members

### **APPLICATION REVIEW PROCESS**

Two staff members from the Waste Management Assistance Division and one staff member from the Department of Economic Development reviewed the application. The Iowa Compost Advisory Committee was presented the proposal at its February meeting and supported the recommendation as long as the cooperative is structured so it does not unfairly compete against Iowa compost facilities that do not belong to the cooperative. The Iowa Compost Advisory Committee consists of diverse membership from both public and private sectors and advises the Department on compost related programs and policies.

To provide equal opportunity for all Iowa facilities to join the cooperative, the Department will host an informational meeting regarding the cooperative for all compost and wood processing facility managers. At the meeting facility managers will learn how the cooperative works and will have their questions answered so they may make an informed decision about joining the cooperative. The facility managers will then be asked to submit a brief proposal if they are interested in becoming cooperative members. The cooperative's board of directors and the Department will determine which facilities will be given the opportunity to join the cooperative at the reduced membership rate.

### **BACKGROUND**

Iowa's approximately 60 compost facilities currently market 106,000 tons of compost per year. The Department estimates that 40,000 tons per year are currently marketed as a highly value added bagged product. The 1998 Iowa Compost Market Assessment study determined that there

is an opportunity to increase the amount of compost marketed in Iowa from 106,000 tons to 225,000 tons.

Compost is one of the few recycled products that currently has a market demand exceeding supply. Current Iowa members of the Earthly Goods Marketing Cooperative have seen their compost operations become net revenue generating programs. The Department believes providing this seed money to expand the cooperative will help other Iowa compost facilities market their product, will expand the capacity for additional composting in the state and will result in increased landfill diversion.

At this time, the Department is requesting approval to enter into a contract with Earthly Goods Marketing Cooperative subject to satisfactory negotiation of budget, match and deliverables.

Ms. Stanley explained details of the contract.

Discussion followed regarding the number of members in their group and where they market their product.

Dean McWilliams suggested that Earthly Goods describe the uses of composting possibly by including the directions on the product.

*Motion was made by Dean McWilliams to approve the contract with Earthly Goods Marketing Cooperative for Organic Products. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REGIONAL COLLECTION CENTER CONTRACT APPROVAL**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the Plymouth-Cherokee-Buena Vista Regional Collection Center. The Department is preparing to enter into a contract with the Plymouth-Cherokee-Buena Vista Regional Collection Center to establish a new regional collection center serving the three (3) county area.

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity business generators and urban and rural households.

Since 1994, eleven (11) regional collection centers have been sited across Iowa. Nine (9) of these facilities are currently operating and the remaining two RCCs are anticipated to be operational in 1999. Seven of the regional collection centers currently operate a mobile collection unit and the remaining four anticipate incorporating a mobile collection unit in the

near future. Mobile collection units allow the operating agency to host a hazardous waste clean-up event in every town in their service area. By holding these events in each town, local participation significantly increases by decreasing travel. Incorporating the use of mobile collection units is stressed by the Department to all prospective regional collection center applicants.

In Fiscal Year 1998, regional collection centers received hazardous waste from more than 14,600 households and conditionally exempt small quantity generators. Nearly 1.3 million pounds of hazardous wastes was collected for proper management and disposal. Approximately 50 percent of these hazardous materials were managed locally (i.e. latex paint, used oil and lead-acid batteries were managed locally for recycling or reuse). Hazardous waste not managed locally was collected by various hazardous waste haulers for out of state landfill disposal or fuel blending.

At this time, the regional collection center establishment contract for Plymouth-Cherokee-Buena Vista is presented to the Commission for approval contract subject to satisfactory negotiation of budget, match and deliverables.

**PLYMOUTH-CHEROKEE-BUENA VISTA COUNTIES  
REGIONAL COLLECTION CENTER ESTABLISHMENT  
PROPOSED SERVICE AREA: PLYMOUTH-CHEROKEE-BUENA VISTA COUNTIES**

**AWARD: \$100,000**

**MATCH: \$43,150**

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**ARTICLE V. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

**Project Description**

The Contractor will establish a regional collection center with a mobile collection unit and accompanying public education program serving, at a minimum, Plymouth-Cherokee-Buena Vista Counties. The Contractor shall continue to investigate and negotiate expanding the service area to include other Iowa counties in the region.

**RCC operation**

The contractor will collect hazardous wastes from urban and rural households as well as conditionally exempt small quantity generators (CESQG). Households will not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.

A mobile collection vehicle is used to go to each community in the service area for collection of hazardous materials and transport back to the regional collection facility for processing and storage until such time that a hazardous waste contract removes these hazardous materials for final disposal.

**Education Program, Households**

The RCC will develop an education program stressing identification of household hazardous materials, source reduction, and the proper disposal of household hazardous

wastes. The education program will show a commitment to working with local schools and libraries while promoting the Retailer's Consumer Education Program. The RCC's education program shall aggressively educate the local population about household hazardous materials through a variety of message delivery mechanisms.

#### **Education Program, Conditionally Exempt Small Quantity Generators**

The RCC will establish an education program that will facilitate access to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

#### **Project Measures**

The Contractor shall document and monitor:

- the number of households participating in collection events;
- the number of CESQGs participating in collections;
- the quantity and categories of HHM collected;
- the quantity and categories of CESQG hazardous wastes collected;
- the types and number of media presentations (i.e. newspaper, radio, television, cable access stations and others.);
- the number of HHM educational materials distributed and provide the Department samples of these materials;
- the number, names of groups, and attendance of public awareness meetings conducted;
- the number of school HHM presentations and/or curriculum meetings
- the titles of educational materials distributed to libraries
- the number of libraries receiving materials
- the number of HHM retailers contacted and the results of meetings with HHM retailers about the Retailers Consumer Education Program
- the number of CESQG workshops and or one-on-one meetings held in the Project Area
- the number of CESQG businesses represented at the CESQG workshops
- the number and examples of CESQG educational materials distributed
- the level of revenues and expenditures associated with the Project

Monitoring results shall be reported in quarterly and final reports to the Department.

#### **ATTACHMENT A**

#### **PAYMENT AGENT AND BUDGET**

Payment made to:

PCB Solid Waste Agency  
1805 Linden Street  
Cherokee, Iowa 51012

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Public Education and Assistance	\$4,000	\$13,650	\$17,650
Equipment and Supplies	9,850	0	9,850
Mobile Unit	28,000	0	28,000

Truck	24,650	0	24,650
Construction	28,500	1,000	29,500
Office Equipment	0	3,000	3,000
Travel	0	1,500	1,500
Staff Training	5,000	0	5,000
Insurance	0	4,000	4,000
Disposal	0	20,000	20,000
<b>TOTAL</b>	<b>\$100,000</b>	<b>\$43,150</b>	<b>\$143,150</b>

Equipment and supplies includes: Safety, Testing and Personal Protective Equipment

Ms. Stanley presented details of the contract and displayed an overhead map showing the location of the RCC's across the state.

Discussion followed regarding the various RCC areas and problems within certain areas of the state.

*Motion was made by Kathryn Murphy to approve the Regional Collection Center Contract with Plymouth-Cherokee-Buena Vista. Seconded by Rozanne King. Following a brief discussion the motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION--CHAPTER 105, IOWA ADMINISTRATIVE CODE, ORGANIC MATERIALS COMPOSTING FACILITIES**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the Notice of Intended Action to rescind Chapter 105, "Yard Waste Disposal and Solid Waste Composting Facilities," and to adopt a new Chapter 105, "Organic Materials Composting Facilities," Iowa Administrative Code.

The Waste Management Assistance Division established a 20 member Advisory Committee to revise and update the yard waste disposal and solid waste composting facilities rules to provide operators more flexibility in designing compost facilities while maintaining protection for the environment. The Advisory Committee represents the Division's stakeholders, including business and industry, state agencies, federal agencies, solid waste organizations, non-profit organizations, educators, and local governments. Rules focusing on best practices in composting have been developed.

The Advisory Committee assisted in developing rules that will result in greater responsiveness to both public and private sector facility operators. All Compost facilities, existing and new, will incorporate best management practices as a result of these rules.

The Advisory Committee's involvement will not end with adoption of these proposed administrative rules. A team comprised of Department staff and volunteers from the Advisory Committee will continue to review proposals received through the Department's Composting Initiative. The Advisory Committee will develop the compost facility operator training certification program that operators are required by these rules to attend. The Department will continue to seek committee members' input in evaluating the effectiveness of the rules.

At this time the Commission is requested to approve the Notice of Intended Action to rescind Chapter 105, "Yard Waste Disposal and Solid Waste Composting Facilities," and to adopt a new Chapter 105, "Organic Materials Composting Facilities," Iowa Administrative Code.

#### ENVIRONMENTAL PROTECTION COMMISSION Notice of Intended Action

Pursuant to the authority of Iowa Code chapters 455B and 455D, the Environmental Protection Commission hereby gives Notice of Intended Action to rescind Chapter 105, "Yard Waste Disposal and Solid Waste Composting Facilities," and to adopt a new Chapter 105, "Organic Materials Composting Facilities," Iowa Administrative Code.

This new chapter is intended to clarify the existing rules by removing numerous references to other chapters of the Iowa Administrative Code and incorporating all organic materials composting facility rules in the new Chapter 105. A 20 member advisory committee was formed to revise the yard waste disposal and solid waste composting facilities rules to provide operators more flexibility in designing compost facilities while maintaining protection for the environment. The advisory committee consisted of numerous Department stakeholders, including business and industry, state agencies, federal agencies, solid waste organizations, non-profit organizations, educators, and local governments. Rules focusing on best management practices in composting have been developed.

Any interested person may make written suggestions or comments on the proposed rule on or before INSERT DATE. Written comments should be directed to Jeff Geerts, Waste Management Assistance Division, Iowa Department of Natural Resources, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319-0034; fax (515)281-8895.

Also, there will be a public hearing on INSERT DATE, at INSERT TIME in the Fifth Floor West Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code chapters 455B and 455D.

The following amendment is proposed.

Rescind 567—105 and adopt the following new chapter in lieu thereof:



## CHAPTER 105 ORGANIC MATERIALS COMPOSTING FACILITIES

**567-105.1 (455B, 455D) General.** This chapter shall apply to the composting of solid wastes. Composting is the controlled biological decomposition of organic matter under aerobic conditions resulting in a stable, innocuous final product. Composting facilities may include vermicomposting, turned windrows, aerated static piles, aerated in-vessel systems, or other methods approved by the department. A composting facility is defined as all related receiving, processing, production, curing, and storage areas and necessary roads, buildings, equipment, litter control devices, pollution control devices, fire control devices, landscaping, gates, personnel and maintenance facilities, sewer and water lines, and process water. Composting facilities existing as of the adoption date of these rules must comply with the requirements of this chapter within one year or by the permit renewal date whichever is later.

**105.1(1)** Two types of composting are allowed:

a. Yard waste composting. Yard waste composting involves only yard waste, defined as vegetative matter such as grass clippings, leaves, garden waste, brush, and trees, and any clean wood waste free of coatings and preservatives necessary as bulking agent. Use of any other materials as bulking agent shall require prior approval by the department. Yard waste composting facilities are exempt from having a permit if operated in conformance with 567-105.3 and 567-105.4.

b. Solid waste composting. Solid waste composting involves any organic material in addition to or other than yard waste. No one shall construct or operate a solid waste composting facility without first obtaining a permit from the department. On-farm composting of dead animals generated on-site is exempt from having a permit if operated in conformance with 567-105.9. Solid waste composting facilities involving municipal sewage sludge shall also operate in conformance with 567-Chapter 67, Iowa Administrative Code.

**105.1(2)** Burial of yard waste at a sanitary landfill is prohibited. Acceptance of yard waste by a hauling firm or at a transfer station for burial at a sanitary landfill is also prohibited. However, yard waste which has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting. Yard waste accepted by a sanitary landfill for the purposes of soil conditioning shall only be used on finished areas of the landfill that have received the final earthen cover. Burning of yard waste at a sanitary landfill or transfer station is prohibited.

**105.1(3)** Each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. Municipalities which provide for collection of solid waste shall also provide for separate collection of yard waste.

**567-105.2 (455B, 455D) Exemptions.** The following projects are exempt from this chapter.

**105.2(1)** Yard waste composted and used on the same premises where it originated. This composting shall not create a nuisance.

**105.2(2)** Household organic waste composted and used on the same premises where it originated. This composting shall not create a nuisance.

**105.2(3)** Composting facilities involving only animal manure, animal bedding, or crop residues and any clean wood waste free of coatings and preservatives necessary as bulking

agent. This composting shall not create a nuisance. Use of any other materials as bulking agent shall require prior approval by the department. If animal manure or animal bedding is mixed with other solid wastes for the purpose of composting or if the finished compost is offered for sale, this chapter shall apply.

**567-105.3 (455B, 455D) General requirements for all composting facilities except dead animal composting facilities.**

**105.3(1)** The composting facility must be 500 feet from any existing habitable residence at the time of facility construction.

**105.3(2)** Access to the facility shall be restricted and a gate shall be provided at the entrance to the facility and left locked when an attendant or operator is not on duty.

**105.3(3)** Emergency access shall be provided to the facility. Fireways shall be maintained to provide access for fire-fighting equipment.

**105.3(4)** The facility shall have a permanent sign posted at the entrance specifying:

- a. Name of operation,
- b. Operating hours,
- c. Name and telephone number of the responsible official,
- d. Materials which are accepted,
- e. Name and telephone number of emergency contact person,

**105.3(5)** Solid waste shall be unloaded at the composting facility only when an operator is on duty.

**105.3(6)** Solid waste which cannot be composted or which is removed during processing shall be disposed of in accordance with the Iowa Administrative Code.

**105.3(7)** Measures shall be taken to prevent water from running onto the facility from adjacent land and to prevent water from running off of the composting facility.

**105.3(8)** Facilities shall be designed, constructed, and maintained so as to avoid or minimize ponding of water or liquids. Any ponding that does occur shall be corrected within 48 hours through routine facility maintenance.

**105.3(9)** The operating area for composting shall be surrounded with appropriate barriers to prevent litter from blowing beyond the operating area. At the conclusion of each day of operation, any litter strewn beyond the confines of the operating area shall be collected and stored in covered leakproof containers or properly disposed.

**105.3(10)** Solid waste materials shall be managed through the entire process in accordance with best management practices, to minimize and prevent conditions such as odors, dust, and vectors which may create nuisance conditions.

**105.3(11)** Storage of finished compost shall be limited to 12 months.

**105.3(12)** If finished compost is offered for sale as a soil conditioner or fertilizer, the compost must be registered by the Iowa Department of Agriculture and Land Stewardship under Iowa Code Chapter 200, Iowa Fertilizer Law. Sale shall be in compliance with all applicable federal and state laws and local ordinances and regulations.

**105.3(13)** Compost shall not be applied to land or sold or given away unless the concentration of human-made inert materials such as glass, metal, and plastic are less than 1.5 percent by dry weight. Compost shall not be applied to land or sold or given away unless the size of any human-made inert materials is less than 13 mm.

**105.3(14)** The composting facility shall obtain a NPDES permit as required in 567-Chapter 64.

**567-105.4 (455B, 455D) Specific requirements for yard waste composting facilities.**

**105.4(1)** Before opening a yard waste composting facility, the waste management assistance division and the field office of the department serving the composting facility's location shall be notified in writing of the following:

- a. The location of the composting facility,
- b. Legal description of the facility,
- c. Landowner's name, telephone number, and mailing address,
- d. Responsible party's name, telephone number, and mailing address,
- e. Annual capacity of the facility,
- f. Source of the yard waste and any necessary bulking agent,
- g. Method of composting to be employed.

**105.4(2)** An all-weather surface must be used for receiving and for access to the facility. The all-weather surface shall be made of materials that will permit accessibility during periods of inclement weather.

**105.4(3)** The area of the composting facility must be large enough for the volume of yard waste composted.

**105.4(4)** Yard waste to be composted must be taken out of containers. Yard waste may be left in bags only if the bags are biodegradable.

**105.4(5)** Aerobic conditions shall be maintained at all times in accordance with best management practices.

**105.4(6)** Reporting. An annual report summarizing the records required in 105.4(6)"a," 105.4(6)"b," 105.4(6)"c" shall be submitted to the waste management assistance division of the department and the field office of the department serving the composting facility's location by July 31st of each year. The report shall summarize the records from the fiscal year beginning July 1st of a previous calendar year and ending June 30th of the current year. The records required in 105.4(6)"a," 105.4(6)"b," and 105.4(6)"c" shall be condensed into monthly totals and an annual total.

- a. Amount of yard waste and any necessary bulking agent accepted in tons,
- b. Amount of finished compost removed from the facility in tons,
- c. How the compost removed from the facility was used, in tons per use.

These records shall be maintained for a period of two years after last use of the compost facility. These records shall be maintained at the facility for inspection and evaluation by the department at any time during normal operating hours.

**567-105.5 (455B, 455D) Permit requirements for solid waste composting facilities.**

Application for a permit to construct and operate a solid waste composting facility shall be made on form 50 (542-1542) and submitted to the department's Des Moines Central Office. This permit is issued under the authority of Iowa Code section 455B.305 for sanitary disposal projects which comply with the requirements of this chapter. A comprehensive solid waste management plan, completed in accordance with 567 IAC 101.4, shall be submitted to and approved by the waste management assistance division of the department before a permit can be issued.

This application must be accompanied by an operating plan encompassing, at a minimum, the design plans, specifications and additional information required by this chapter. Such permits are issued for a period of three years and are renewable for a period of three years.

If an application for a solid waste composting facility permit is found not to be in full compliance with this chapter, the applicant will be notified of that fact and of the specific deficiencies. If the deficiencies are not corrected within thirty days following such notification, the application may be returned as incomplete without prejudice to the applicant's right to reapply. The applicant may be granted, upon request, an additional thirty days to complete the application.

**105.5(1)** A permit application for a new facility shall include a completed form 50 (542-1542) and the following:

- a. A map or aerial photograph locating the boundaries of the facility and identifying:
  - (1) Wells, streams, creeks, rivers and ponds,
  - (2) North or other principal compass points,
  - (3) Zoning and land use within one-half mile,
  - (4) Haul routes to and from the facility with load limits or other restrictions,
  - (5) Homes and buildings within one-half mile,
  - (6) Section lines or other legal boundaries,
  - (7) Any nearby runway used or planned to be used by turbojet or piston type aircraft at FAA certified airports.

**105.5(2)** Design requirements. Design documents must be prepared by a certified licensed professional engineer registered in the state of Iowa (542B Code of Iowa) and must include the following:

- a. Detailed engineering drawings of the facility showing all roads, buildings, and equipment to be installed, litter control devices, pollution control devices, fire control devices, landscaping, gates, personnel and maintenance facilities, sewer and water lines, and process water, and indicating:
- b. Dimensions, details, and capacities of the proposed receiving, processing, production, curing, and storage areas. The areas for composting must be adequate for the volume of solid waste being composted. Provide design calculations justifying the size of the composting areas.
- c. Descriptions, specifications, and capacities of proposed equipment to be used in composting.
- d. Flow diagram of all operating steps.
- e. Composition of the operating surface. Receiving, processing, production, and curing must take place on a constructed, impervious base that can support the load of the equipment used under all weather conditions. The permeability coefficient of the base must be less than  $1 \times 10^{-7}$  cm/sec (0.00028 feet/day). Storage areas for finished compost must be made of materials that will permit accessibility during periods of inclement weather.
- f. Dimensions, details, and capacities of storm water management systems to prevent run-on and run-off from the composting facility. The storm water management systems must be designed to collect, and store all run-off water from the proposed receiving, processing,

production, curing, and storage areas resulting from a 25-year, 24-hour precipitation event.. Storm water management systems must meet applicable federal and state storm water regulations and shall not discharge to surface waters except as allowed by a NPDES permit.

**105.5(3) Operating requirements.** The operating plan shall provide the following:

- a. Method of composting.
- b. Duration of composting with a time frame for receiving, processing, production, curing, and storage.
- c. Description of storage of raw materials including quantity and types. All materials received must be incorporated into the composting process within 24 hours of receipt unless storage of these materials is specified in the plan and approved by the department.
- d. Description of the types, amounts, and sources of wastes to be received and processed daily. Prior to the facility expanding the amount or types of materials accepted, the facility shall request in writing and obtain approval from the department an amendment to the permit.
- e. Description of the aeration method and the aeration frequency to be used to maintain aerobic conditions at all times in accordance with best management practices.
- f. Description of the methods to prevent, minimize, manage, and monitor odors.
- g. Description of the methods to prevent, minimize, manage, and monitor dust.
- h. Description of the methods to prevent, minimize, manage, and monitor flies, rodents and other vermin.
- i. Description of the specific procedures to be followed in case of equipment breakdown, maintenance downtime, and fire in equipment, composting material or buildings to include methods to be used to remove or dispose of accumulated waste and-burned and damaged material.
- j. Plans for using or marketing the finished compost.
- k. Method(s) of disposing of collected storm water.
- l. Method(s) of maintaining storm water management systems to maintain design volume and to locate and repair leaks in the system.
- m. Description of the monitoring, sampling, and analysis procedures and schedule for testing the composting process and product including sampling frequency, sample size and number, and sample locations. Sample collection, preservation, and analysis must be done in a manner which assures valid and representative results. The department may inspect the facility and perform testing on the composting process and product at any time. Unless otherwise proposed in the operating plan and authorized in the permit, the permit holder shall test at a minimum:
  - (1) Twice weekly temperature readings of compost piles, batches, and windrows. Compost must be held at a temperature above 55 degrees Celsius (131 degrees Fahrenheit) for at least two weeks for the purpose of pathogen destruction. Other time periods may be approved by the Department.
  - (2) Weekly moisture levels of compost piles, batches, and windrows.
  - (3) Weekly oxygen or CO<sub>2</sub> concentrations of compost piles, batches, and windrows.
  - (4) Testing of the finished product. Compost shall not be applied to land or sold or given away unless the concentrations of human-made inert materials comply with 105.3(13) and the concentrations of all metals are less than the following:

Metal	Concentration mg/kg dry weight
Arsenic (As)	41
Cadmium (Cd)	39
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Nickel (Ni)	420
Selenium (Se)	36
Zinc (Zn)	2800

**105.5(4)** Application for permit renewal must be made on form 50 (542-1542) and must be received at the department's Des Moines office at least 90 days before the expiration date of the existing permit. The renewal application shall include any proposed changes to the design or operation of the facility, a revised closure plan if necessary, and a confirmation that a revised subsequent comprehensive plan has been approved.

The department shall conduct an inspection of the composting facility following receipt of the application for renewal. Following the inspection, the permit holder shall be notified of all measures needed to bring the composting facility into conformance with the permit and these rules.

A permit shall be renewed when a complete application has been received and all corrective measures have been completed.

If an application for a solid waste composting facility permit renewal is found to be incomplete by the department, the applicant will be notified of that fact and of the specific deficiencies. If the deficiencies in the application have not been corrected within thirty days following the notification, the application may be denied.

**567-105.6 (455B, 455D) Record keeping and reporting requirements for solid waste composting facilities.**

**105.6(1)** Record keeping. The following records shall be maintained at the facility at all times and shall be submitted to the department upon request:

- Analytical results described in 105.5(3)"m." These results shall be recorded on a department approved reporting form.
- Types and weight of waste accepted at the facility daily and annually, in tons.
- Weight of compost removed from the facility daily and annually, in tons.
- How the compost removed from the facility was used, in tons per use.
- A copy of the plan, the permit, annual reports, and the current stormwater pollution prevention plan.

**105.6(2)** Reporting. An annual report summarizing the records required in 105.6(1)"a," 105.6(1)"b," 105.6(1)"c," and 105.6(1)"d" shall be submitted to the solid waste section and the

waste management assistance division of the department by July 31st of each year. The report shall summarize the records from the fiscal year beginning July 1st of a previous calendar year and ending June 30th of the current year. The records required in 105.6(1)"b," 105.6(1)"c," and 105.6(1)"d" shall be condensed into monthly totals and an annual total.

**567-105.7 (455B, 455D) Closure requirements for solid waste composting facilities.** For each composting facility, a closure plan shall be submitted to the department containing a description of the steps necessary to close the facility. A permit shall not be issued unless the closure plan is approved.

**105.7(1)** An updated closure plan, including a schedule for closure, shall be submitted to the department at least 60 calendar days prior to the proposed termination date for the facility.

**105.7(2)** Unless an alternative schedule is approved by the department, within 14 calendar days of the facility ceasing operation, all waste and unfinished and finished compost shall be removed from the site.

**567-105.8 (455B, 455D) Operator certification for solid waste composting facilities.** Solid waste composting facility operators shall be trained, tested, and certified by a department-approved certification program upon adoption of such a program by the department. The person responsible for daily operation of the facility shall be certified.

**567-105.9 (455B, 455D) Specific requirements for on-farm composting of dead animals generated on-site.** The waste management assistance division and the field office of the department serving the composting facility's location shall be notified in writing before initiating on-farm composting. On-farm composting of dead animals generated on-site is exempt from having a permit if the following operating requirements are met.

**105.9(1)** Dead animals are incorporated into the composting process within 24 hours of death and covered with sufficient animal manure, animal bedding, or crop residues and any clean wood waste free of coatings and preservatives necessary as bulking agent to prevent access by domestic or wild animals.

**105.9(2)** Composting is done in a manner that prevents formation and release of runoff and controls odors, flies, rodents and other vermin.

**105.9(3)** Dead animals are not removed from composting until all flesh, internal organs, and other soft tissue are fully decomposed.

**105.9(4)** Storage of finished compost shall be limited to 12 months and must be applied to crop or pasture land at rates consistent with crop nutrient requirements.

**105.9(5)** Composter construction shall utilize weather and rot-resistant materials capable of supporting composting operations without damage. Although not mandatory, a roof over the composter is recommended to prevent excess moisture accumulation that can lead to production of undesirable odors and leachate.

**105.9(6)** Composting must be done on an impervious weight bearing surface located outside of wetlands or the 100 year flood plain and at least 100 feet from private wells, 200 feet from public wells, 50 feet from property lines, 500 feet from neighboring residences, and 100 feet from flowing or intermittent streams, lakes, or ponds.

These rules are intended to implement Iowa Code sections 455B.304 and 455D.9.

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Date

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Paul W. Johnson, Director

Ms. Stanley reviewed the rules noting they will be more user friendly. The rules address the department's policy on composting of dead animals. They also provide framework to give the composter a greater flexibility in their methods to meet environmental regulations as well as in the marketing of the finished product. Additionally, they clarify which facilities are exempt from having a permit. She also discussed testing of the compost for certain elements.

Rozanne King commented that there has been a problem in Nebraska with E-coli, in the lettuce, which may have been introduced from the compost. She inquired if the heat rises high enough in the compost to prevent E-coli.

Lavoy Haage, Solid Waste Section Supervisor, stated that the compost has to be maintained at a certain temperature for a specific amount of time, adding that it should be sterilized or disinfected at that temperature for the that amount of time.

*Motion was made by Dean McWilliams to approve Notice of Intended Action--Chapter 105, Organic Materials Composting Facilities. Seconded by Rozanne King. Motion carried unanimously.*

APPROVED AS PRESENTED

## **FINAL RULE--CHAPTER 209, SOLID WASTE ALTERNATIVES PROGRAM**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached final amendment to Chapter 209, "Solid Waste Alternatives Program", Iowa Administrative Code.

The Waste Management Assistance Division established a 26 member Advisory Committee in June to revise and update its Landfill Alternatives Financial Assistance Program to provide the best and most responsive program. The Advisory Committee represents the Division's stakeholders, including business and industry, state agencies, solid waste organizations, non-profit organizations, educators, and local governments. A program focusing on best practices in pollution prevention and recycling, market development and education has been developed.

The Advisory Committee assisted in developing a revised format for accepting and reviewing proposals on a year round basis resulting in greater responsiveness to both public and private sector applicants. Tonnage diversion, sustainability, and transferability issues have been built into the proposal review process.



The Advisory Committee's involvement will not end with adoption of these proposed administrative rules. A team comprised of Department staff and volunteers from the Advisory Committee will review proposals. The Waste Management Assistance Division will also continue to seek committee members' input in evaluating the revised program.

At this time the Commission is requested to approve this final amendment to Chapter 209, "Solid Waste Alternatives Program", Iowa Administrative Code.

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## ENVIRONMENTAL PROTECTION COMMISSION

### Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.103, 455B.304 and 455E.9, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 209, "Landfill Alternatives Financial Assistance Program," Iowa Administrative Code.

These amendments are intended to update the existing financial assistance program to better meet today's solid waste management needs while developing an integrated financial assistance program with established investment objectives to provide the best possible service. An advisory committee was established to be a part of revising the current program by providing feedback and recommendations. The advisory committee consisted of numerous clients and stakeholders that utilize the program and would be impacted by any changes to the current program.

Notice of Intended Action was published in Iowa Administrative Bulletin on January 13, 1999, as ARC 8622A. 1 A public hearing was held February 17, 1999. One person attended. The following changes were made to the Notice of Intended Action:

- Item 1: The name of the program has been changed to "Solid Waste Alternatives Program." The new name was discussed and recommended by the Department and the Advisory Committee.
- Item 6: The statement "on the type of project and application proposal submitted" has been deleted. This change was discussed and recommended by the Advisory Committee. Funding will now be awarded based on a three-tier system depending on the amount of the award.
- Item 13: The first sentence in the second paragraph is deleted because as one set of selection criteria will be used for all proposals. The deletion reflects changes the Advisory Committee developed and recommended.
- Item 15: Added "mutual written consent between the Department and the selected applicant" to the last sentence in the section. The addition is for clarity and made in response to a comment raised at the public hearing.
- Item 16: The sentence "Proposals will be evaluated in accordance with the timeline established in the application and guidelines manual," has been added for clarity as discussed and recommended by the Advisory Committee.
- Item 19: A new rule, 209.18(455B,455E), has been added. The addition is in response to a discussion and recommendation by the Advisory Committee. The addition will ensure outside input to future program changes.

These amendments are intended to implement Iowa Code chapters 455B and 455E.

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The following amendments are adopted.

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ITEM 1. Amend 567—Chapter 209, title, as follows:

~~Landfill Alternatives Financial Assistance Program~~  
Solid Waste Alternatives Program

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ITEM 2. Amend rule 567—209.1(455B, 455E) as follows:

**567--209.1(455B,455E) Goal.** The goal of this program is to reduce the amount of solid waste being generated and the amount of solid waste being landfilled through implementation of solid waste management projects. ~~This goal will be achieved utilizing the following hierarchy of waste management priorities in descending order of preference:~~

- ~~1. Waste reduction;~~
- ~~2. Recycling and reuse;~~
- ~~3. Combustion with energy recovery; and~~
- ~~4. Combustion for volume reduction.~~

ITEM 3. Amend rule 567—209.2(455B,455E) as follows:

**567--209.2(455B,455E) Purpose.** The purpose of this program is to provide financial assistance to eligible applicants for the purpose of implementing ~~education programs and solid waste management best practices, education and market development projects, to achieve a reduction in solid waste generation and a reduction in solid waste landfilling. Projects receiving financial assistance must address the program's goal as described in 209.1(455B,455E).~~ Emphasis for selected projects will be placed on tonnage avoided, sustainability, and replicability.

ITEM 4. Amend rule 567--209.3(455B,455E) as follows:

Amend the following definitions:

"Eligible projects" means any project which, when implemented, will ~~address a reduction in~~ reduce the amount of solid waste being generated or the amount of solid waste being landfilled.

~~"Energy recovery" means the direct conversion of solid wastes into useful process heat or electricity.~~

~~"Grants" means financial assistance in the form of cash payments to recipients.~~

"Loans" means an award of financial assistance with the requirement that the award be repaid including interest as identified in the written agreement between the department and the recipient.

Adopt the following new definition in alphabetical order:

"Forgivable loan" means financial assistance in the form of cash payments to recipients for reimbursement of eligible project expenses. Repayment of loan moneys awarded will be forgiven if the recipient has met all identified project goals, milestones and conditions identified in the written agreement between the department and the recipient or as amended by written agreement.

ITEM 5. Amend rule 567--209.6(455B, 455E) as follows:

**567--209.6(455B, 455E) Eligible projects.** The department may provide financial assistance to applicants for the following types of projects that are consistent with the goal and purpose of this program:

- ~~1. Public education;~~
  - ~~2. Waste reduction;~~
  - ~~3. Recycling and reuse;~~
  - ~~4. Research and development;~~
  - ~~5. Demonstration;~~
  - ~~6. Market development for recyclable materials;~~
  - ~~7. Projects that manufacture products with recycled content;~~
  - ~~8. Environmental testing related to various landfill alternatives for solid waste. Such projects shall include, but are not limited to, testing air emissions generated by the combustion of municipal solid waste, analysis of the ash generated as a result of the combustion of municipal solid waste, analysis of alternative materials to be used in leachate control;~~
  - ~~9. Production of energy through combustion, including production of tire-derived fuels and refuse-derived fuels; and~~
  - ~~10. Combustion for volume reduction.~~
1. Best practices – practices and programs that will move Iowa toward long-term pollution prevention, waste reduction and recycling sustainability;
  2. Education – practices and programs that are consistent with a coordinated statewide message on pollution prevention, waste reduction, and recycling to ensure ongoing support of these integrated solid waste management activities; and
  3. Market development – practices and programs that develop a demand for value-added recyclables sufficient to provide increased and stable commodity markets.

ITEM 6. Amend rule 567--209.7(455B, 455E) as follows:

**567--209.7(455B, 455E) Type of financial assistance.** The type of financial assistance offered to an applicant (forgivable loan, zero interest loan, low interest loan) is dependent ~~on the type of project and application submitted upon the amount of program funds awarded to each selected project.~~ The department reserves the right to offer any combination of financial assistance types to any selected project.

~~209.7(1) Grants will be offered to applicants for waste reduction projects; public education projects; research and development projects; and demonstration projects that are innovative or new to the state of Iowa.~~

~~209.7(2) Loans will be offered to applicants for all other eligible projects and may be offered to applicants requesting grant assistance.~~

ITEM 7. Amend rule 567--209.8(455B, 455E) as follows:

**567--209.8(455B, 455E) Loans.** The term of all loans, executed under these rules, shall ~~vary be~~ determined on a case-by-case basis and shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The written agreement between the department and the recipient will establish other conditions or terms needed to manage or implement the project.

ITEM 8. Amend subrule 209.9(2) as follows:

209.9(2) The applicant could implement the project at a reduced level of financial assistance and achieve project objectives and ~~this program's goals of this program.~~

ITEM 9. Amend rule 567--209.10(455B,455E) as follows:

**567--209.10(455B, 455E) Fund disbursement limitations.** No funds shall be disbursed until the department has:

1. Determined the total estimated cost of the project;
2. Determined that financing for the cost share amount is ensured by the recipient;
3. Received final design plans from the recipient, if applicable;
4. Received confirmation that all permits or permit amendments have been obtained by the recipient;
4. 5. Received commitments from the recipient to implement the project;
5. 6. Executed a written agreement with the recipient; and
6. 7. Determined that the recipient is currently in compliance with all applicable federal, state, and local statutes and regulations.

ITEM 10. Amend rule 567—209.11(455B,455E) as follows:

**567--209.11(455B,455E) Minimum applicant cost share.** An applicant for financial assistance shall agree to provide a minimum cost share of funds committed to the project. Financial assistance moneys received by the applicant under these rules or through the landfill alternatives grant program or the landfill alternatives financial assistance program are ineligible to be utilized for any portion of the required applicant cost share. Minimum applicant cost share ~~of funds~~ shall be in accordance with ~~the following schedule:~~ the schedule outlined in the application guideline manual.

~~209.11(1) Grants:~~

- ~~a. Waste reduction—35 percent.~~
- ~~b. Public education—35 percent.~~
- ~~c. Research and development—35 percent.~~
- ~~d. Demonstration—35 percent.~~

~~209.11(2) Loans:~~

- ~~a. Recycling and reuse—35 percent.~~
- ~~b. Combustion with energy recovery—50 percent.~~
- ~~c. Combustion for volume reduction—60 percent.~~

ITEM 11. Amend rule 567--209.12(455B, 455E) as follows:

**567--209.12(455B,455E) Eligible costs.** Applicants may request financial assistance in the implementation and operation of a project which includes, but is not limited to, funds for the purpose of:

1. Waste reduction equipment purchase and installation;
2. Collection, processing, or hauling equipment including labor for installation;
3. Development, printing and distribution of educational materials;
4. Planning and implementation of educational forums including, but not limited to, workshops;
5. Materials and labor for construction or renovation of buildings;

6. Salaries directly related to implementation and operation of the project;
7. Laboratory analysis costs; and
8. Engineering or consulting fees.

ITEM 12. Amend rule 567—209.13(455B, 455E) as follows:

**567--209.13(455B,455E) Ineligible costs.** Financial assistance shall not be provided or used for costs including, but not limited to, the following:

1. Taxes;
2. Vehicle registration;
3. Overhead expenses;
4. Indirect costs;
5. Legal costs;
6. Contingency funds;
7. ~~Application~~ Proposal preparation;
8. Contractual project administration;
9. Land acquisition;
10. Office furniture, office computers, fax machines and other office furnishings and equipment;
- ~~10- 11.~~ 11. Costs for which payment has or will be received under another federal, state or private financial assistance program; and
- ~~11- 12.~~ 12. Costs incurred before a written agreement has been executed between the applicant and the department.

ITEM 13. Amend rule 567—209.14(455B,455E), introductory paragraphs, as follows:

**567--209.14(455B, 455E) Selection criteria.** To receive consideration under these rules, applications proposals submitted to the department for financial assistance must be provided to the agency responsible for submitting an approved solid waste comprehensive plan or subsequent plan for agency review and comment. Responsible agency review and comments are required from the area in which the proposed project is located or the area or areas in which the proposed project will be implemented.

~~Separate selection criteria and separate application forms will be used to evaluate projects. The separate selection criteria are identified below for the four applications: education projects; waste volume reduction projects; research and development and demonstration projects; and projects eligible for loans as identified in 209.7(2). For each application project type, points assigned to the selection criteria total 100 points. The department shall evaluate coordinate evaluation of applications proposals and applicants will be awarded financial assistance based on the following selection criteria: contained in the application guideline manual.~~

Applicants submitting preproposals deemed viable after review will be required to submit additional information as requested by the department. Additional information submitted will be reviewed for project viability prior to receiving a financial assistance commitment from the department.

ITEM 14. Rescind subrules 209.14(1) through 209.14(4).

ITEM 15. Amend rule 567—209.15(455B,455E) as follows:

**567--209.15(455B,455E) Written agreement.** Recipients shall enter into a contract with the department for the purposes of implementing the project for which financial assistance has been awarded. The contract shall be signed by the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient. In cases where the department has awarded a other than a forgivable loan, the recipient will be required to make regularly scheduled installment payments to retire the loan and any interest assigned to the loan as identified in the executed contract. The recipient will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered part of the public record. The department may terminate any contract and seek the return of any funds released under the contract for failure by the recipient to perform under the terms and conditions of the contract. Amendments to contracts may be adopted by mutual written consent between the department and the selected applicant of the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient.

ITEM 16. Amend rule 567—209.16(455B,455E) as follows:

**567--209.16(455B,455E) Applications Proposals.** Applicants shall submit applications proposals on forms provided by the department. The proposals are considered part of the public record. ~~Applications will be due the first Monday in June and the first Monday in December each year at 4:30 p.m., Proposals will be accepted during normal business hours throughout the year by the department unless otherwise designated by the waste management assistance division. Proposals will be evaluated in accordance with the timeline established in the application and guidelines manual. Applications received by the waste management assistance division after the stated deadline will not be considered for funding during the current funding period, will not be retained for future consideration, and will not be returned to the applicant. It is the applicant's responsibility to resubmit a completed application for funding consideration during a subsequent funding period. Applications must be submitted on forms supplied by the department and applications submitted are considered part of the public record.~~

ITEM 17. Amend subrule 209.17(5) as follows:

209.17(5) An applicant does not provide sufficient information requested in ~~the application forms~~ on forms provided by the department pursuant to rules 209.8(455B,455E) to 209.1416(455B,455E);

ITEM 18. Amend subrule 209.17(7) as follows:

209.17(7) The project goals or scope is not consistent with ~~rule~~ rules 209.1(455B,455E), 209.2(455B,455E), 209.6(455B,455E), and 209.14(455B,455E) ~~209.8(455B,455E), 209.9(455B,455E), 209.13(455B,455E).~~

ITEM 19. Amend Chapter 567—209 by adding the following new rule:

**567—209.18 (455B,455E) Amendments.** The department will solicit recommendations from impacted agencies, associations, and other interested entities for significant alterations to the program.

\_\_\_\_\_  
Date  
\_\_\_\_\_

Paul W. Johnson, Director

Ms. Stanley reviewed the rules in detail explaining the changes in the program. She noted there will be four rounds of funding and pre-proposals will be taken.

*Motion was made by Charlotte Mohr to approve Final Rule--Chapter 209, Solid Waste Alternatives Program. Seconded by Dean McWilliams.*

Chairman Ehm commented that considering discussions over the last several years he feels this is the direction the Commission wants to see it go.

*Vote on the motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

### **Tom Neumann (WQS Review)**

Tom Neumann, representing Iowa Water Pollution Control Association and League of Cities Coalition, spoke about the Iowa Water Quality Standards Review and Implementation Strategy relating that these groups are in support of this program and strategy, as well as the Technical Advisory Committee approach with DNR. He related it is a way to move forward in a positive and cooperative manner, and he appreciates that effort. Mr. Neumann complimented Paul Johnson, Al Stokes and Jack Riessen for their efforts as well as any other DNR staff that were involved in moving forward on this effort.

### **Harris Seidel (5 yr. oper. cert. plan)**

Harris Seidel, representing Iowa Water Pollution Control Association and the Iowa Section of American Water Works Association, spoke in support of the Five Year Strategic Plan for Water and Wastewater Operator Certification to be taken up later in the meeting. He noted that there are some things these groups are recommending should be done to support operator certification. He related that one thing to consider is what an operator needs to know to keep up and what training is needed, and whether the written exams show competence or lack of competence. Mr. Seidel stated that the National Organization of Boards of Certification suggests as a guideline one FTE for each 1000 certificates, which translated into four for Iowa. He related that an EPA study published in February 1998 showed Iowa with 1/4 of one FTE for the water and wastewater program. He distributed copies of a list illustrating how the states compare on fees, funding and staffing resources. Mr. Seidel stated that the department is understaffed and he hopes that in the coming years it can be gradually built back up. He noted that these two associations want to continue to be supportive and be of help in any way possible.

**Andrea Fogue (WQS review)**

Andrea Fogue, Iowa League of Cities, spoke in support of the cooperative effort they have had with the department. She related that in November they worked with the department in regard to the review of Iowa's water quality standards, particularly in addressing ammonia. She spoke very highly of the work they have done with Director Johnson, Allan Stokes and Jack Riessen, adding that they have been very helpful. She related that she looks forward to continued cooperation in communicating with the cities, especially with the interim strategy.

**MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

**RULEMAKING STATUS REPORT**  
**March 1, 1999**

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 20, 21, 22, 23 & 25 - NESHAPS, Internal Corrections and Clarifications	2/15/99	3/10/99	*4/06/99	*4/09/99	*5/17/99	*5/17/99	*6/16/99	*7/06/99	*7/21/99
2. Ch. 40, 41, 42, 43, & 83 - Water Supply & Environmental Lab Certification	3/15/99	*4/07/99	*5/10/99	*5/ /99	*6/21/99	*6/21/99	*7/14/99	*8/09/99	*8/18/99
3. Ch. 55 - Aquifer Storage and Recovery	3/15/99	*4/07/99	*5/10/99	*5/ /99	*6/21/99	*6/31/99	*7/14/99	*8/09/99	*8/18/99
4. Ch. 60, 62 & 63 - Water Quality Rule Updates	Adopted	And Filed	Without	Notice	1/19/99	1/19/99	2/24/99	3/09/99	*3/31/99
5. Ch. 64 - Stormwater Permits	*4/19/99	*5/19/99	*6/07/99	*6/ /99	*7/19/99	*7/19/99	*8/11/99	*9/06/99	*9/15/99
6. Ch. 65 - Animal Feeding Operation Rules	11/19/98	12/30/98	1/05/99	1/19-22/99	3/15/99	*3/15/99	*4/07/99	*5/10/99	*5/12/99
7. Ch. 105 - Organic Materials, Composting	3/15/99	*4/07/99	*5/10/99	*5/ /99	*6/21/99	*6/21/99	*7/14/99	*8/09/99	*8/18/99
8. Ch. 209 - Solid Waste Alternative	12/21/98	1/13/99	2/08/99	2/17/99	3/15/99	*3/15/99	*4/07/99	*5/10/99	*5/12/99



**VARIANCE REPORT – FEBRUARY 1999**

No.	Facility	Program	Subject	Decision	Date
1	Muscatine Power & Water	Air Quality	Fuel Test	Approved	02/01/99
2	Craig, City of-(Southern Sioux County Rural Water System, Inc.)	Wastewater	Control Structures	Approved	02/04/99
3	Craig, City of-(Southern Sioux County Rural Water System, Inc.)	Wastewater	Influent Line	Approved	02/04/99
4	Craig, City of-(Southern Sioux County Rural Water System, Inc.)	Wastewater	Lagoon Cells	Approved	02/04/99
5	Craig, City of-(Southern Sioux County Rural Water System, Inc.)	Wastewater	Piping	Approved	02/04/99
6	Craig, City of-(Southern Sioux County Rural Water System, Inc.)	Wastewater	Manholes	Approved	02/04/99
7	Craig, City of-(Southern Sioux County Rural Water System, Inc.)	Wastewater	Valves	Approved	02/04/99
8	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater	Control Structures	Approved	02/04/99
9	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater	Influent Line	Approved	02/04/99
10	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater	Lagoon Cells	Approved	02/04/99
11	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater	Piping	Approved	02/04/99
12	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater	Manholes	Approved	02/04/99
13	Halbur, City of-(West Central Iowa Rural Water Association)	Wastewater	Valves	Approved	02/04/99
14	Rockwell City, City of	Wastewater	Piping	Approved	02/15/99
15	Rockwell City, City of	Wastewater	Pumps	Approved	02/15/99
16	Waterloo, City of	Flood Plain	Freeboard	Approved	02/12/99
17	Alter Highway 22 Monofil Landfill-Scott County	Solid Waste	Monitoring	Approved	02/23/99
18	Ames/Story Environmental Landfill	Solid Waste	Liner	Approved	02/23/99
19	City of Council Bluffs Alter Landfill Site	Solid Waste	Cover	Approved	02/23/99
20	Woodbury County Sanitary Landfill	Solid Waste	Leachate	Approved	02/02/99
21	Eldridge, City of	Watersupply	Installation	Approved	02/15/99

**Spill Report – February 1999**

February 1, 1999, through February 28, 1999, 43 reports of hazardous conditions received.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
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Oct.	52(70)	28(37)	11(17)	13(16)	20(28)	2(6)	24(28)	1(5)	0(0)	5(3)
Nov.	57(44)	35(25)	9(9)	13(10)	30(15)	2(3)	23(23)	0(2)	0(0)	2(1)
Dec.	41(52)	23(27)	5(19)	13(6)	21(21)	2(4)	15(22)	1(4)	0(0)	2(1)
Jan.	30(42)	15(32)	0(3)	15(7)	20(19)	0(2)	6(16)	2(1)	0(1)	2(3)
Feb.	43(42)	25(32)	4(3)	14(7)	26(19)	1(2)	12(16)	1(1)	0(1)	3(3)

(numbers in parentheses for the same period in fiscal year '98)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
8	7	3	6	9	10

### ENFORCEMENT STATUS REPORT

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Dayton, City of (2)	Wastewater	Discharge Limits; Water Quality Violations; Stormwater	Order/Penalty \$10,000	2/2/99
Williamsburg Manufacturing, Williamsburg (6)	Air Quality	Construction Permit Without	Order/Penalty \$3,000	2/2/99
Iowa County Conservation Board; Iowa County Park (6)	Drinking Water	MCL – Bacteria; Monitoring/Reporting- Bacteria, Nitrate, Organics	Order	2/2/99
Dennis Sharkey Sr.; Dennis Sharkey, Jr. d/b/a Sharkey's Building Wrecking, Dubuque Co. (1)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	2/2/99
Lund Manufacturing Co., Inc., Farley (1)	Air Quality	Construction Permit Without	Order/Penalty \$4,000	2/2/99
Midwest Farmer's Cooperative, Sheldon (3)	Wastewater; Hazardous Condition	Prohibited Discharge; Water Quality Violations – General Criteria; Failure to Notify	Order/Penalty \$10,000	2/2/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	MCL – Bacteria; Public Notice	Order	2/5/99
Peter Bockenstedt, Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Order/Penalty \$5,000	2/9/99

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Paris & Sons, Inc.; Thomas Paris, Masonville (1)	Wastewater; Hazardous Condition	Prohibited Discharge; Failure to Notify	Order/Penalty \$10,000	2/9/99
Larson Manufacturing Co. of Iowa, Inc., Lake Mills (2)	Air Quality	Construction Without Permit	Order/Penalty \$500	2/9/99
Country Terrace Mobile Home Park, Boone (5)	Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations; Certified Operator	Order/Penalty \$5,000	2/9/99
Henry County Board of Supervisors (6)	Wastewater	Other; Operational Violations	Referred to AG	2/15/99
Rodney Mullins, Eagle Grove (2)	Animal Feeding Operation	Prohibited Discharge - Confinement	Referred to AG	2/15/99
Gary Lenz d/b/a Mike's Fisherman's Wharf, Bellevue (1)	Drinking Water	Monitoring/Reporting	Referred to AG	2/15/99
Elery Fry; Allen Fry; Becky Sandeen, Monroe Co. (5)	Solid Waste	Illegal Disposal	Referred to AG	2/15/99
Ron Morgan d/b/a Action Jack's Paintball Park, Polk Co. (5)	Solid Waste	Illegal Disposal	Referred to AG	2/15/99
Dean Stafford d/b/a Oakland Mills Store, Mt. Pleasant (6)	Drinking Water	Operation Without Permit; Monitoring/Reporting - Nitrate	Referred to AG	2/15/99
Tyler Excavating, Warren Co. (5)	Solid Waste	Illegal Disposal	Referred to AG	2/15/99
Russell Barkema d/b/a Barkema Construction, Wright Co. (2)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Referred to AG	2/15/99
Patrick McCoy, Keokuk Co. (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Referred to AG	2/15/99
Tiffin, City of (6)	Wastewater	Discharge Limits; Compliance Schedule	Order/Penalty \$5,000	2/17/99
Regency West Subdivision, Dubuque (1)	Drinking Water	MCL - Bacteria	Amended Order	2/17/99
Altoona, City of (5)	Wastewater	Compliance Schedule	Order	2/17/99

Warren Frozen Foods, Inc., Altoona (5)	Wastewater	Pretreatment	Order	2/17/99
Matthew M. Daly, Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$3,000	2/17/99
Dan Gotto, Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement, Open feedlot; Water Quality Violations – General Criteria	Order/Penalty \$3,000	2/17/99
Etter Livestock, Inc. Chariton (5)	Solid Waste; Wastewater	Illegal Disposal; Operation Without Permit; Construction Without Permit; Prohibited Discharge	Order/Penalty \$2,000	2/17/99
Norman Nietert, Linn Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria	Order/Penalty \$3,000	2/23/99
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$100	2/23/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Organics, Radioactivity; MCL – Radioactivity; Public Notice	Order/Penalty \$5,000	2/25/99

## SUMMARY OF ADMINISTRATIVE PENALTIES

NAME/LOCATION	PROGRAM	AMOUNT	DATE DUE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95

Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
David Kramer (Camanche)	UT	600	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
South Park Mobile Home Park (Iowa Falls)	WW	1,000	1-04-98
# Harold Unternahrer (Washington Co.)	AFO	1,000	4-06-98
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
# Troy Hanson (Wright Co.)	AFO	1,500	8-14-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Kalona Golf Club (Washington Co.)	WS	250	10-31-98
Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	500	11-02-98
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Randy Harbach d/b/a Randy's Sanitation (Delaware Co.)	SW	5,000	11-22-98
* Gary Lund Construction (Eagle Grove)	SW	1,250	3-01-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
The Heights (Monticello)	WS	500	12-28-98
The Sportsmen (Oelwein)	WS	500	12-28-98
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,450	2-15-99
Mark Geerdes (Kossuth Co.)	SW	550	2-04-99
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
* Dakota Mobile Home Park (Oxford)	WW	875	2-15-99
* Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	1,500	2-15-99
Aeroplane Inn (Honey Creek)	WS	1,125	2-16-99
* Milton, City of	SW/AQ	500	2-16-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
J Wood Park (Clayton Co.)	WS	100	3-06-99
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000	3-09-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	3-11-99
Clair View Acres Store (Delhi)	WS	100	3-13-99
Nancy's Country Inn (Cedar Rapids)	WS	100	3-13-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Wee Willy's (Quasqueton)	WS	100	3-15-99

* R.V. Hopkins, Inc. (Davenport)	AQ	13,700	3-16-99
River City Hardwoods, Inc. (Muscatine)	AQ	2,000	3-22-99
Dayton, City of	WW	10,000	4-04-99
Williamsburg Manufacturing (Williamsburg)	AQ	3,000	4-06-99
Lund Manufacturing Company, Inc. (Farley)	AQ	4,000	4-14-99
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000	4-14-99
Larson Manufacturing Co. of Iowa (Lake Mills)	AQ	500	4-15-99
*#Verton S. Miller (Johnson Co.)	AFO	625	8-10-99
# James Verdoorn (Sioux County)	AFO	3,000	----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Outer Limits Quick Mart (Woodbine)	WS	100	----
Country Air Mobile Home Court (Benton Co.)	WS	400	----
Hofer's Danceland Ballroom (Walford)	WS	100	----
Paris & Sons; Thomas Paris (Masonville)	WW/HC	10,000	----
Country Terrace Mobile Home Court (Boone)	WW	5,000	----
Etter Livestock (Chariton)	WW/SW	2,000	----
# Dan Gotto (Dubuque Co.)	AFO	3,000	----
# Matthew Daly (Dubuque Co.)	AFO	3,000	----
Tiffin, City of	WW	5,000	----
# Norman Nietert (Linn Co.)	AFO	3,000	----
Bowlaway Lanes (New Hampton)	WS	100	----
Country Terrace Mobile Home Court (Boone)	WS	5,000	----
Full Moon Saloon (Jesup)	WS	500	----
	<b>TOTAL</b>	<b>195,865</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Charlie's Supper Club (Algona)	WS	100	8-01-98
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas			

(Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
# Rodney Mullins (Humboldt Co.)	AFO	500	8-22-98
Oakland Mills Store (Mt. Pleasant)	WS	200	9-07-98
Mike's Fisherman's Wharf (Dubuque)	WS	2,500	11-01-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
Tyler Excavating; Fred Knosby (Warren Co.)	SW	1,000	11-08-98
<b>TOTAL</b>		<b>102,754</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000

Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Carroll, City of	WS	3,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000
Clara Lindstadt (Des Moines Co.)		
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	10,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000



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Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
Troy Elevator, Inc. (Troy)	WW/HC	4,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Ed Engelbrecht d/b/a E & E Auto Salvage (Lee Co.)	AQ/SW	1,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
Rosebar Tire Shredding Center; Dan Schwitters (Vinton)	SW	10,000
Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	10,000
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Leland, City of;	WS/WS	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Dennis Tasler (Webster City)	AQ	10,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Holland Contracting Corp. (Forest City)	AQ	500
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
Super 20 Mobile Home Park (Dubuque)	WS	1,000
West Union Cooperative Co. (West Union)	WW	10,000
	<b>TOTAL</b>	<b>505,175</b>

The following administrative penalties were paid last month:

# Twin Pines Co. (Van Buren Co.)	AFO	850
* Gary Lund Construction (Eagle Grove)	SW	625
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	50
ITWC, Inc. (Malcom)	AQ	150
# Farmers Co-Operative Society (Sioux Center)	AFO	2,000
Carpenter Bar & Grill (Carpenter)	WS	986
Vern Starling (Boone Co.) (Estate Settlement)	SW	1,554
* R.V. Hopkins, Inc. (Davenport)	AQ	500
Arnold Ambrosen (Leland)	WS/WW	500
Midwest Farmer's Cooperative (Sheldon)	WW/HC	10,000
*#Verton S. Miller (Johnson Co.)	AFO	625
Advanced Technologies Corp. (Waterloo)	AQ	1,007
	<b>TOTAL</b>	<b>18,847</b>

The \$600 penalty assessed to Dale Burgin (Indianola) has been dismissed without prejudice.

The \$500 penalty assessed to King's Terrace Mobile Home Court (Ames) has been rescinded.

Name, Location and Regions Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	6/20/97 6/05/98 9/27/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order /Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 9/23/99
Barkema, Russell d/b/a Barkema Construction Wright Co. (2) NEW	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	2/15/99
Bodensteiner, Edward Des Moines (5)	Under-ground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/Penalty	Referred Petition Filed	11/17/97 6/04/98
Clark, Doug d/b/a Charlie's Supper Club Livermore (2)	Drinking Water	Failure to Renew Permit; Monitoring/ Reporting	Order/Penalty	Referred Petition Filed	7/20/98 9/24/98
DeCoster, A.J. Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Hearing on Pre-Trial Motion Order Denying Defendant's Motion Order Granting State's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Ruling (\$59,000/Civil) Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed Defendant's Reply Brief Filed	7/17/95 1/23/96 10/28/96 11/06/96 11/21/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 9/05/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98 2/19/98
DeCoster, A.J.	Animal			Referred	8/19/96

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Nursery Unit #3 Wright Co. (2)	Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Petition Filed Consolidated With Sow Unit #1 (See Below)	11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Defendant's Motion for Partial Summary Judgment State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 7/14/97 8/04/97 8/11/97 8/25/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	8/18/97 3/20/98 3/16/99
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Animal Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Farmers Companies, Inc. Poweshiek Co. (1)	Hybrid Animal Feeding Operatio n	Prohibited Discharge	Referred to Attorney General	Referred	3/16/98

Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Freese, Ken South English (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	12/21/98
Fry, Elery; Allen Fry; Beck Sandeen Monroe Co. (5) NEW	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) UPDATED	Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Trial Date	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 4/14/99
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Henry County Board of Supervisors Henry Co. (6) NEW	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Hidden Valley Mobile Home Court Washington Co. (6)	Drinking Water	Monitoring/Reporting - Lead and Copper	Order/Penalty	Referred Petition Filed	1/20/98 9/29/98
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
LaFollette, James; Kurt Douglas Marion Co. (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	11/16/98
Larson, Daryl Clinton Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	10/20/97 6/26/98 5/26/99

Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98
Lenz, Gary D/b/a Mike's Fisherman's Wharf Bellevue NEW	(1) Drinking Water	Monitoring/Reporting	Order/Penalty	Referred	2/15/99
Martinez, Vincent d/b/a Martinez Service Davenport (6)	Sewer Hazardous Conditions	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default (Injunction)	2/17/92 12/21/92 10/11/94
McCoy, Patrick Keokuk Co. NEW	(6) Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	2/15/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. NEW	(5) Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Mullins, Rodney Eagle Grove NEW	(2) Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Danley Warren Co. UPDATED	Mike Solid Waste (5)	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Injunction Temporary	12/15/97 10/02/98 2/04/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Inc.; Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred	11/16/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Don; Solid Waste (4)	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Smuck Des Moines (5)	Inc.; Doug Underground Tank (5)	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96

Stafford, Dean d/b/a Oakland Mills Store Mt. Pleasant NEW	(6)	Drinking Water	Operation Without Permit; Monitoring/Re- porting Nitrate	Order/Penalty	Referred	2/15/99
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Tire Tech Environmental Systems, Inc. Muscatine (6)		Solid Waste	Tire Processing Permit Violations	Referred to Attorney General	Referred Petition Filed Hearing on Temporary Injunction Temporary Injunction Trial Date	4/20/98 6/23/98 8/25/98 9/15/98 5/10/99
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Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
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Tyler Excavating Warren Co. NEW	(5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
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Village Realty Pottawattamie Co. (4)		Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order	8/12/98 10/08/98 12/22/98
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Weber Construction, Inc. Cascade (1)		Air Quality	Asbestos	Petition for Review	Petition Filed	11/19/98
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White, Robert Jeff Dallas Center UPDATED	(5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	4/20/98 2/05/99
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Williams, Dean d/b/a Williams Oil Co. Stuart (4)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/20/97 9/24/98
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Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)		Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
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## CONTESTED CASES

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	Site Registry	HW	Tack	Testing completed 10/13/98. Revised order sent.

6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Tack	Testing completed. Revised order sent.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Tack	Settlement reached. Clean-up to be completed by
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement close, 2/99.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Tack	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Penalty received 2/10/99. Closed.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	New Admin. Order issued resolving this appeal.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Tack	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with EPD
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp;	Admin. Order	UT	Wornson	Tier 2 submitted. Under review.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	New permits issued. Settled.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 3/22/99.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Wornson	Tanks closed. Property sold. Buyer not Fund eligible
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up letter sent. Fund eligible.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return required
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Wornson	SCR accepted. Letter sent offering penalty negotiations
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 3/12/99.
9-09-94	American Coals Corp., Site 5 (Bussev)	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Wornson	Inability to pay - requested documentation -- no
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept.
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin. Order/Penalty	AQ/SW	Tack	Penalty settlement reached. Final payment due 7/1/99.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to
3-23-95	American Coals Corp.	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of

4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty	Admin. Order/Penalty	HC/WW	Tack	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-25-95	Fremont County SLF	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Tack	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Tack	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger/Smithland Store	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Preziosi	Hearing set for 3/22/99.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Tack	Hearing set for 3/25/99.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Compliance initiated by Atlantic Bottling. Comingled
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Sent to DIA.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from
1-22-96	Daryl Hollingsworth and Karen Hollingsworth	Admin. Order/Penalty	UT	Wornson	Hearing scheduled for 3/23/99.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Marklev Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Tack	Favorable decision received 1/99. Not appealed.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Consent order drafted.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification	SW	Tack	Hearing set for 6/29/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. &	Admin. Order/Penalty	AQ/SW	Tack	Hearing set for 3/29/98.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.



## Environmental Protection Commission Minutes

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8/09/96	Gene and Margaret Palmersheim d/b/a G & M	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home	Admin. Order/Penalty	WW	Clark	Penalty installment received. Settled 12/7/98.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 -	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Holliman, Ltd.	Admin. Order/Penalty	SW/WW	Tack	Sent to DIA.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barrov d/b/a J & M	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment plan. Awaiting payment.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty	SW	Murphy	Proposed decision received 8/1/97; appealed.
1/02/97	Ruan Leasing Co., aka Ruan Transportation	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage &	Admin. Order/Penalty	SW/AQ	Tack	Hearing set for 4/8/99.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Wornson	Compliance complete. Dismissed without prejudice.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Tack	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Tack	Hearing set for 4/6/99.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Kaizer	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	To be sent to DIA. Not in compliance.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Kaizer	Settled. Awaiting penalty payment.
8/01/97	Dodger Enterprises Co., Tire Chop Division;	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck	Admin. Order/Penalty	WW	Murphy	Case on hold pending compliance. Compliance to be
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	11/98 - Site assessment approved. Settlement
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Trov Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Site assessment conditionally approved 11/98.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing. Letters
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop	Notice of Intent to	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed
12/22/97	Dave and Kristi Castenson; Donald Fields,	Harcourt Variance	WW	Hansen	Hearing set for 7/20, 21/98. Hearings also held 8/20
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding

2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/26/98	Ira Cooley, Debby Cooley and Karen Sauer	Admin. Order/Penalty	AQ/SW	Tack	Penalty payment received Closed.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection
4/03/98	Cooperative Oil Company; Mickey Berg	Admin. Order	UT/WW	Wornson	Compliance initiated.
4/23/98	North Liberty, City of	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
5/11/98	Teri Cook-Schlutz	401 Certification	WQ	Murphy	Negotiating before filing.
7/01/98	Ag Processing, Inc.	Permit Conditions	AQ	Kaizer	Negotiations continue.
7/27/98	Mitchell Dam Bar	Permit Conditions	WS	Hansen	Negotiating before filing.
7/28/98	Q.C. Metallurgical Laboratory	Laboratory Certification	UT	Wornson	Settlement reached. Compliance achieved.
7/29/98	Eagle Lane Corporation	Admin. Order/Penalty	WS	Hansen	Water supply in compliance with monitoring
7/29/98	Archer Daniels Midland 98-A-507P thru	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring.
8/18/98	University of Iowa	Permit Conditions	WW	Hansen	Settlement offer sent 10/98.
9/15/98	Verton S. Miller	Admin. Order/Penalty	AFO	Clark	Penalty installment received. Settled 2/11/99.
9/22/98	Rosebar Tire Shredding Center; Dan L.	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	Admin. Order/Penalty	AQ	Kaizer	Hearing to be rescheduled for 3/99.
10/03/98	Ag Processing, Inc. (Emmetsburg)	Permit Exemption Denial	AQ	Kaizer	Negotiating before filing.
10/06/98	M & W Pallett Co.	Admin. Order	SW	Tack	Negotiating before filing. Clean-up in progress.
10/08/98	West Liberty, City of	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
10/09/98	Warnke Construction Co.; Randeau Warnke	Admin. Order/Penalty	AQ/SW	Kaizer	Penalty received. Closed.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	Admin. Order/Penalty	WW	Murphy	Letter sent 2/26/99. Will monitor compliance this
11/03/98	Dakota Mobile Home Park; Capitol Oil Co.	Admin. Order	WS	Murphy	Negotiating before filing.
11/05/98	Jim Arenson Chevrolet	Permit Revisions	WS	Hansen	Negotiating before filing.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	Admin. Order/Penalty	WW	Murphy	Letter sent 2/26/99. Will monitor compliance this
11/06/98	Rustic Oaks Homeowners Assoc.	Admin. Order	WS	Murphy	Negotiating before filing.
11/09/98	Cinda L. Welk	Admin. Order/Penalty	AQ	Kaizer	Penalty received. Closed.
11/13/98	Caseys General Stores, Inc. (Johnston Store)	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
11/19/98	Jacobs Energy Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/19/98	Leland, City of	Admin. Order/Penalty	WW/WS	Murphy	Penalty received. Settled.
11/23/98	Williamson, City of	Admin. Order	WW	Murphy	Amended Admin. Order issued 12/98. Closed.
11/30/98	Robert Diehl	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
12/01/98	Dversville Golf & Country Club	Admin. Order/Penalty	WS	Murphy	Progress report requested 2/19/99.
12/02/98	Ag Processing (Eagle Grove)	Permit Conditions	AQ	Kaizer	Negotiating before filing.
12/07/98	Krauss Serene Wooded Acres	Admin. Order/Penalty	WS	Murphy	Letter sent 2/23/99. Sanitary survey to be conducted.
12/08/98	Dennis Tasler; Tasler Inc.	Admin. Order/Penalty	AQ	Kaizer	Negotiating before filing.
12/16/98	Richard Swailes	Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12/28/98	Jim Comes; Gary Comes	Permit Issuance	FP	Clark	Hearing set for 4/5/99.
12/30/98	Farmland Industries, Eagle Grove	Permit Exemption Denial	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
1/06/99	Farmers Cooperative Society	Admin. Order/Penalty	AFO	Clark	Penalty received 2/10/99. Settled.
1/13/99	Bernadette Ryan	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/20/99	Holland Contracting Corp.	Admin. Order/Penalty	AQ	Kaizer	Penalty paid. Settled.

1/22/99	Regency West Water Co.	Admin. Order	WS	Murphy	Amended Admin. Order issued 2/17/99. Closed.
1/25/99	Supervisor's Club, Inc.	Admin. Order	WS	Murphy	Negotiating before filing. Plan to hook onto City
1/29/99	Wareco Services, Inc.	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
2/01/99	Con Agra Frozen Foods	Tax Certification Denial	AQ	Preziosi	New case.
2/03/99	Super 20 Mobile Home Park	Admin. Order/Penalty	WS	Tack	New case.
2/05/99	West Union Cooperative Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Meeting held 2/12/99.
2/10/99	Bawden Printing	Permit Conditions	AQ	Preziosi	New case.
2/23/99	Dennis Sharkey, Sr.	Admin. Order/Penalty	AQ/SW	Tack	New case.

Mr. Stokes reviewed the routine monthly reports noting that he placed at each Commissioner's workplace a paper entitled "Interim Strategy - Iowa's WQS Review and Ammonia Limits in Discharge Permits" and he explained same. He related that this is the strategy the department intends to follow and the groups who worked with the department on this strategy are in agreement with it.

Discussion followed regarding old cases on the penalty report and that some will be written off. Also discussed was the possibility of using a collection agency to collect some of the rather old, unpaid penalties.

<b>INFORMATIONAL ONLY</b>
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### CONTRACT AMENDMENT FOR CONSTRUCTION PERMIT REVIEW

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve additional expenditures for an amended contract between the Department and Jacobs Engineering Group. This amendment exercises the agency's option to increase the permit review from five hundred (500) to up to no more than seven hundred (700) construction permit applications. This will result in an increase in the permit review portion of the contract of \$80,000. In addition, a new line is added that allows for the charges of up to \$50,000 to be billed to the Department for modeling services. The total of the contract will be increased from \$200,000 to \$330,000.

The contract continues to be for the review of permit applications for sources that have already been constructed but for which the company failed to submit applications prior to the original construction. Since the Department continues to receive as-built applications at a significant rate, the previous contract was not able to finish the review of all as-built application. The request for modeling services is a result of staff vacancies that prevent conducting a review of the ambient air impacts that must accompany the permit review process. The inclusion of this provision will allow the permits to continue to be issued in a timely manner until such time as DNR staff are capable of conducting the reviews internally.

Mr. Stokes reviewed the contract in detail.

*Motion was made by Rita Venner to approve the Contract Amendment for Construction Permit Review with Jacobs Engineering, as presented. Seconded by Rozanne King.*

Discussion took place regarding permit turn around time, and a total of 200-300 as-built permits on the list to be done.

*Vote on the motion carried unanimously*

**APPROVED AS PRESENTED**

### **AIR QUALITY - TITLE V FEE BUDGET REVIEW**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to consider the SFY 2000 Air Quality Bureau Budget in anticipation of setting the annual Title V fee.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. The fee is used to support the development and administration of activities associated with the Title V Operating Permit Program.

Annually on March 31, sources required to obtain Title V Operating Permits submit to the Department annual emissions statements for the previous calendar year. The Department totals these emissions and provides that information to the Commission no later than the May meeting. The Commission will then be asked to set the fee based on the program budget.

(A copy of the budget charts is on file in the department's Records Center)

Mr. Stokes presented details of the budget and related it will be brought for the Commission's approval in May.

**INFORMATIONAL ONLY**

### **PROPOSED RULE--CHAPTER 64, STORMWATER PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The attached proposed rules are being provided to the Commission for information only at this time.. The proposed rules, amendments to Chapter 64 stormwater permit requirements, were written in consultation with an advisory committee consisting of representatives of developers and contractors which met over the past three months. The proposed rules include:

- The clarification of the responsibilities of the permittee and transferee when land within a commercial or residential development is transferred.
- Provisions for exempting the retention of records at construction sites.
- Correction of a typographical error in General Permit No. 2.

It is anticipated the Commission will be asked to approve a Notice of Intended Action to begin formal rule making activities on these proposed rules at their April 1999 meeting.

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(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes presented details of the rule noting the rules were developed with the help of an advisory committee which included developers and contractors.

Brief discussion followed regarding responsibility between the developers and a person acquiring a site.

<b>INFORMATIONAL ONLY</b>
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## **NOTICE OF INTENDED ACTION--CHAPTERS 40, 41, 42, 43, 83, WATER SUPPLY AND ENVIRONMENTAL LABORATORY CERTIFICATION**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department requests permission from the Environmental Protection Commission to hold public hearings pertaining to the revision of the Public Drinking Water Supply Rules of IAC 567—Chapters 40, 41, and 43, the adoption of a new Chapter 42, and the revision of the Laboratory Certification Rules of IAC 567—Chapter 83. The proposed rules were presented as an information item at the February 15, 1999, meeting of the Environmental Protection Commission. The public drinking water supply rules have not been updated for the past five years, during which time the U.S. Environmental Protection Agency (EPA) has continued to promulgate new and revised drinking water regulations. Significant regulations were added as a result of the reauthorization of the federal Safe Drinking Water Act in 1996.

These amendments include:

- updates to incorporate changes from the 1996 reauthorization of the federal Safe Drinking Water Act by EPA
- new and amended definitions, some of which are adopted as a result of EPA mandates, others of which are adopted for clarity
- grammatical corrections
- analytical methodology updates
- adoption of a new viability assessment program, in accordance with EPA mandates
- adoption of a new consumer confidence report program, in accordance with EPA mandates

- adoption of a new Chapter 42, which includes reporting requirements moved from Chapters 41 and 43 as well as the new consumer confidence report program
- restructuring of the disciplinary actions for laboratory certification, to include a new category of "suspended" certification

Six public hearings are anticipated to be held, one in each DNR region.

(A copy of the rules is on file in the department's Records Center)

Mr. Stokes reviewed the rules noting changes to be made to update the rules. Rita Venner asked why there are six public meetings being held. Mr. Stokes stated that rules with statewide impact generally have a public hearing in each of the six field office areas.

*Motion was made by Rita Venner to approve Notice of Intended Action--Chapter 40, WaterSupply and Environmental Lab Certification. Seconded by Kathryn Murphy. Motion carried unanimously.*

APPROVED AS PRESENTED

## **NOTICE OF INTENDED ACTION--CHAPTER 55, AQUIFER STORAGE AND RECOVERY RULES (TABLED)**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action on Aquifer Storage and Recovery Rules. In March, 1998 the Governor signed House File 2292. This Bill requires the Department to initiate a permit program for persons to inject, store, and recover treated water from aquifers for potable use. The proposed rules were written in consultation with an advisory committee consisting of ten representatives of professional/technical organizations, water utilities, and industry groups, which met over the past two months. The proposed rules include:

- Definitions of "Aquifer storage and recovery", "Contiguous", "Displacement zone", "Drawdown", "Limited registration", "Permit", "Permittee", "Receiving aquifer", "Recovered water", "Stored water", "Treated water", and "Zone of influence".
- The clarification of legal rights and obligations affecting ASR permit holders.
- Technical definition of the affected area within the aquifer.
- Provisions for "limited registration" for aquifer pre-testing before a 20-year ASR permit is issued.
- Engineering/hydrogeological criteria for the Department's ASR project application review.
- Two public notification periods prior to final issuance of ASR permit.

The rules are written as a new Chapter 55 to the Department's Division B - Drinking Water administrative rules. Two public hearings are proposed to receive further public input: one each in Des Moines and in Iowa City.

### ENVIRONMENTAL PROTECTION COMMISSION (567)

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources gives Notice of Intended Action to add a new Chapter 55, "Aquifer Storage and Recovery: "Criteria and Conditions for Authorizing Storage, Recovery, and Use of Water," Iowa Administrative Code.

New definitions for "Aquifer storage and recovery", "Contiguous", "Displacement zone", "Drawdown", "Limited registration", "Permit", "Permittee", "Receiving aquifer", "Recovered water", "Stored water", "Treated water", and "Zone of influence" are added. Iowa Legislature-mandated technical additions for the practice of aquifer storage and recovery, and the clarification of legal rights and obligations affecting permit holders are specified.

Any interested person may submit written suggestion or comments to the proposed rule changes through \_\_\_\_\_, 1998. Such written materials should be submitted to Michael K. Anderson, P.E., Department of Natural Resources, Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319-0034.

Persons are also invited to present oral or written comments at any of the public hearings which will be held:

Location:

Time: \_\_\_\_\_

Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, Iowa

Location:

Time: \_\_\_\_\_

Iowa City, Iowa

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules may impact small business.

Copies of these proposed rules may be obtained from Emmett Deets, Records Center, Department of Natural Resources, Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319-0034.

These rules are intended to implement 1998 Iowa Acts, House File 2292.

ITEM 1. Add a new Chapter 55 as follows:

CHAPTER 55

AQUIFER STORAGE AND RECOVERY:

"Criteria and Conditions for Authorizing Storage, Recovery, and Use of Water"

567--55.1(455B) Statutory Authority.

The authority for the Iowa department of natural resources to permit persons to inject, store, and recover treated water for potable use is given by 1998 Iowa Acts, House File 2292. This permit requirement applies to any aquifer storage and recovery (ASR) system, including projects involving border streams. The person or water system seeking an aquifer storage and recovery permit must review the criteria for ASR permits and contact the department if a permit is required.

567--55.2(455B) Reserved.

567--55.3(455B) Purpose.

The aquifer storage and recovery rules are intended to describe aquifer storage and recovery, including defining the affected area within the aquifer, creating a permit program with technical criteria for evaluating ASR projects, and incorporating technical additions for the practice of treated water recovery. Legal rights and obligations affecting ASR permit holders are defined.

567--55.4(455B) Definitions. The following definitions shall apply to this chapter:

"Aquifer storage and recovery" (ASR) means the injection and storage of treated water in an aquifer through a permitted well during times when treated water is available, and withdrawal of the treated water from the same aquifer through the same well during times when treated water is needed.

"Contiguous" means directly adjacent or touching along all or part of one side of a legally defined piece of property. Tracts of land involved in the same operation or water supply and separated only by items such as roads, railroads, or bike trails are deemed contiguous tracts.

"Displacement zone" means the three-dimensional area of dispersion into which treated water is injected for storage, subject to later recovery.

"Drawdown" means the decrease in water level at a pumping well due to the action of the pump.

"Limited registration" means a one-year written authorization for a nonrecurring use of water for purpose of forecasting and testing the ASR well system, to include cyclic test pumping as necessary.

"Permit" means a written authorization issued to a permittee by the department for the storage of treated water in an existing aquifer or the subsequent withdrawal of treated water from an existing aquifer. The permit specifies the quantity, duration, location, and instantaneous rate of this storage or withdrawal.

"Permittee" means a water supply system which obtains a permit from the department authorizing the injection of and possession by storage of treated water in an aquifer, withdrawal of this water at a later date, and the actual beneficial use of the water.

"Receiving aquifer" means the aquifer into which treated water is injected under terms of an ASR permit.



"Recovered water" means water which is recovered from storage within the displacement zone under terms of an ASR permit.

"Stored water" means injected treated potable water which is stored in a receiving aquifer within the displacement zone under terms of an ASR permit.

"Treated water" for the purposes of this chapter means water which has been physically, chemically, or biologically treated to meet national primary and secondary drinking water standards and is fit for human consumption as defined in 567-Chapter 40-43, Iowa Administrative Code (IAC).

"Zone of influence" means a circular area around a pumping water well where the water table has been measurably lowered due to the action of the pump.

#### 567--55.5(455B) Application Processing.

##### 55.5(1) Application.

a. Initial application for approval of an aquifer storage and recovery (ASR) project. A permit shall be required for the storage of all treated water in an aquifer for later recovery for potable uses. New permit applications (a request for a new permit, as distinguished from modification or renewal of an existing permit) shall be made on a form obtained from the department. An application form must be submitted by or on behalf of the water supply system owner, lessee, easement holder, or option holder of the area where the water is to be stored and recovered from an aquifer. An application must be accompanied by a map portraying:

- the points of injection and withdrawal,
- the immediate vicinity (topography) of the receiving aquifer,
- any production, test or other observation wells within the aquifer,
- the area of water storage, and

The application also must include a description of the land where wells are located and water will be injected, withdrawn, and used oriented as to quarter section, section, township, and range. One application will be adequate for all uses on contiguous tracts of land. A water supply construction permit pursuant to 567-Chapter 43, IAC will be also required for all injection/recovery wells.

b. Limited registration. The department's response to an initial application will be to issue a limited registration to initiate an ASR pre-testing program pursuant to paragraph 55.6(1)"a"; only after approval of and completion of an ASR pre-testing program with appropriate public notification pursuant to subrule 55.5(3) and proper evaluation of the test results will the department issue an ASR permit.

c. A request for modification or renewal of a permit shall be made in similar manner. This application does not need to reiterate map and location information as previously submitted to the department (unless the information has changed). The limited registration requirement for aquifer pre-testing does not apply to modified or renewed ASR permit requests (unless required by the department).

55.5(2) Application fee. A nonrefundable fee in the form of a credit card, check, or money order in the amount of two hundred dollars (\$200) payable to the department of natural resources must accompany an application for a permit [and limited registration for aquifer pre-testing] for aquifer storage and recovery. Two hundred dollars (\$200) must accompany an application for modification or renewal of a permit for ASR.

55.5(3) Published notice --- applicant limited registration. The department will issue a limited registration allowing the applicant to conduct test pumping of an ASR site pursuant to paragraph 55.6(1)“a”. The applicant shall first publish notice of intent to test the injection and water pumpage/recovery equipment, prior to receiving the limited registration. Publication shall be in a form and manner acceptable to the department, in the newspaper of largest circulation in the county where the ASR project is located, and proof of publication shall be submitted to the department. The department will then issue the limited registration, and the applicant shall ~~notify contiguous landowners by U.S. mail of the receipt of the limited registration and the intent~~ to test an ASR site.

55.5(4) Published notice --- departmental intent to issue a final ASR permit. Before issuance of a final ASR permit, the department shall publish notice of proposed decision to issue an ASR permit or deny the ASR application. Publication shall be in the newspaper of largest circulation in the county where the ASR project is located. This publication shall summarize the department's findings on whether the application conforms to relevant criteria as outlined in subrule 55.6(1). Copies of the proposed decision shall be mailed to the applicant, any person who commented, and any other person who requests a copy of the decision. The decision shall be accompanied by a certification of the date of mailing. A proposed decision becomes the final decision of the department unless a timely notice of appeal is filed in accordance with 55.5(6).

55.5(5) Form of department decision. The decision on an application shall be a permit or denial letter issued by the department. Each permit shall include appropriate standard and special conditions consistent with Iowa Code sections 455B.261 to 455B.274, Iowa Code Section 455B.281, and 567 --- Chapters 52 to 55. The decision may incorporate by reference and attachment the summary report described in 55.5(4). Each decision shall include the following:

- a. Determinations as to whether the project satisfies all relevant criteria not addressed in an attached summary report.
- b. An explanation of the purpose for imposing each special condition.
- c. Explanation of consideration given to all comments submitted pursuant to 55.5(3) and (4) unless the comments are adequately addressed in the attached summary report.

55.5(6) Appeal of department decision. Any person aggrieved by an initial ASR permit decision may appeal the action. The person must submit a request for appeal in writing to the director within 30 days of the date of issuance of the final decision made by the department. A decision by the director in an appeal may be further appealed to the Environmental Protection Commission (EPC). The form of appeal and appeal procedures are governed by 567---Chapter 7. The department shall mail a copy of the notice of appeal to each person who commented on the application.

55.5(7) ASR permit public hearing. Reserved.

567--55.6(455B) Aquifer storage and recovery technical evaluation criteria.

55.6(1) Requirements. Injections into aquifers for the purpose of treated water storage, and subsequent withdrawals from the receiving aquifers intended for potable uses shall be subject to the following requirements:

- a. Aquifer pre-testing. Procurement of a limited registration for aquifer pre-testing as outlined in subrule 55.5(1). The limited registration shall be for the period of one year, and may be reregistered at the discretion of the department should the project require more than one year to be completed. The limited registration shall allow initial aquifer testing for determining the

feasibility of aquifer storage and recovery, including placement of pumping and storage/extraction equipment. The testing approach shall be designed to provide information as needed to evaluate the ultimate capacity anticipated for the ASR project, and assurance that the ASR site shall not restrict other uses of the aquifer. The testing program shall include injection rates and schedules, water storage volumes, recovery rates and schedule, and a final testing report.

b. Engineering report. An engineering evaluation of the technical feasibility of the proposed ~~water injection, and the probable percentage of recovery of treated water when pumped for~~ recovery shall be submitted to the department. The engineering report shall include preliminary information from conceptual evaluations and aquifer pre-testing such as:

- injection rates and schedules,
- water storage volumes,
- the length of time the injected water will be stored,
- the projected recovery rate,
- water quality data necessary to demonstrate the percentage of recovered water and that the water meets national drinking water standards,
- water level monitoring data including the location of observation wells if any,
- a plan detailing what to do with the recovered water if the intended use is not possible, and
- a final testing protocol.

If the report can demonstrate by conducting field tests or by using a conceptual or mathematical hydrogeologic modeling that the injection, storage, and subsequent recovery will not adversely affect nearby users, the ASR project may be permitted after review by the department. A displacement zone containing the stored volume of water will not be allowed if it adversely affects another user's zone of influence. If the department finds through hydrogeologic modeling or during pre-testing that the proposed displacement zone may impact the zone of influence of another user's existing well, additional testing will be required. The department may require the applicant to construct observation wells between the ASR site and nearby wells and may designate project-specific monitoring and reporting requirements at the observation wells.

c. Hydrogeologic evaluation. Hydrogeologic investigation of the site to evaluate potential quantitative and qualitative impacts to the aquifer, including changes to localized aquifer geochemistry shall be part of the engineering report. Preliminary hydrogeologic information shall include:

- the local geology,
- a hydrogeologic flow model of the areal flow patterns,
- a description of the aquifer targeted for storage,
- estimated flow direction and rate of movement,
- both permitted and private wells within the area affected by ASR wells, including best estimates of respective zones of influence,
- basis for estimating the displacement zone,
- anticipated changes to the receiving aquifer geochemistry due to the proposed ASR testing and use, and
- potable water quantity recovery estimates.

d. Protection of nearby existing water uses. The aquifer storage and recovery permit applicant shall demonstrate that the ASR site shall not restrict other uses of the aquifer by nearby

water use permittees. An ASR applicant shall conduct and submit an inventory of nearby wells. The department after considering the rate and amount of the ASR injections and withdrawals, and the characteristics of the aquifer will determine the extent of the inventory and the appropriate radius from the proposed ASR site. The department shall provide a map specifying the area in which the inventory is needed and forms specifying information to be gathered. The ASR permit applicant shall make a good faith effort in obtaining available information from public records to identify nearby landowners and occupants and from drilling contractors identified by a landowner or occupant who responds to the inventory. Well interference conflicts arising from the proposed ASR site/project shall be resolved as outlined in 567-Chapter 54, Iowa Administrative Code (IAC) or as otherwise specified by the department. Water recovery from an ASR site will not be permitted to any user other than the ASR permittee.

e. MCL exceedance limitation. No permit may allow injected water to contain contaminants in excess of the maximum contaminant levels (MCLs) established by the department in 567-Chapter 40-43, IAC. Chemicals associated with disinfection of the water may be injected into the aquifer up to the standards established under 567-Chapter 40-43, IAC or as otherwise specified by the department.

f. Reporting and recordkeeping. The permittee shall maintain a monthly record of injection and recovery, including the total number of hours of injection and recovery and the total metered quantity injected and recovered. The records must be submitted to the department annually. Project records including water quality testing records must be kept by the applicant for a period of five years. Water quality monitoring shall be at the frequency required by 567-Chapter 40-43, IAC and as identified in the water system's public water supply operation permit. The applicant shall keep project records for a period of three years after termination of an ASR project and closure of the recovery wells.

g. Followup analysis by permittee. Reserved.

h. Failure to construct and non-use. The department may vacate the permit if the applicant fails to construct injection and water pumpage/recovery and ancillary equipment within three years of issuance of the permit (or subsequent permit modifications or renewals). The permit may also be vacated if the applicant does not use the storage system within three years of acquisition of the permit. A site abandonment plan including the physical removal of injection and water recovery equipment and the abandonment of all injection/recovery and observation wells pursuant to 567-Chapter 39, IAC will be required of the applicant if the permit is vacated. A permittee whose permit is vacated may request a formal review of the action. The permittee must submit a request for review in writing to the director within 30 days of the date of notification of the final decision made by the department. A decision by the director in a formal review case may be further appealed to the Environmental Protection Commission (EPC).

i. Mechanical integrity. Other conditions that are necessary to ensure adequate protection of water supplies may be imposed for mechanical integrity checks of the injection and treated water recovery well,

j. Revocation. The department may revoke or modify a permit to prevent or mitigate injury to other water users or otherwise protect aquifer water quality. The department may, based upon valid scientific data, further restrict certain chemicals in the injection source water if the department finds the constituents will interfere with or pose a threat to the maintenance of the water resources of the state for present or future beneficial uses.

k. Non potable uses. Reserved.

55.6(2) Duration of permit, conditions of permit, and applicant property rights. Permits for aquifer storage and recovery shall be issued for twenty (20) years.

a. Conditions of permit. The permit will specify the maximum allowable injection rate at each well, the maximum allowable annual quantitative storage volume, and the maximum allowable instantaneous water withdrawal rate at each well.

b. Property of permittee. The department shall not authorize withdrawals of treated water from an aquifer storage and recovery site by anyone other than the permittee during the period of the permit and each subsequent renewal permit. Treated water injected into a receiving aquifer (and thereby comprising the "displacement zone") as part of an ASR permit is the property of the permittee. Treated water which is recovered from storage within a displacement zone under terms of a permit shall be referred to as "recovered water" and shall be the property of the permittee. If a permit is revoked or otherwise surrendered, the ownership of the injected water within the aquifer (the water considered as "property") reverts to the State of Iowa.

c. Restrictions on other wells within displacement zone. Existing wells within the displacement zone shall be plugged pursuant to 567-Chapter 39, IAC. No new private water wells, injection/withdrawal wells, observation wells, or public water supply wells shall be permitted by any governmental entity within the ASR displacement zone while the ASR permit is in effect.

Date

Paul W. Johnson, Director

Chairman Ehm stated that this item was tabled last month and will need to be removed from the table.

*Motion was made by Charlotte Mohr to remove NOI--Chapter 55 from the table. Seconded by Kathryn Murphy. Motion carried unanimously.*

**ITEM REMOVED FROM TABLE**

Mr. Stokes presented details of the rule. He reviewed that it was asked last month if there are other facilities of this type in operation, and there are some in Kansas, California, Nevada, Colorado, Texas and Washington. He related there are folks who have experience with aquifer storage and they indicated they have not experienced significant problems in terms of well interference or well problems.

Discussion followed regarding the injection of treated water and quality of the water withdrawn.

Dean McWilliams asked if there is any place in Iowa doing this. Mr. Stokes replied that the City of Des Moines has been doing some testing in the Ankeny area in terms of hydrogeological work.

Rita Venner asked if Iowa has ASR rules on the books and Mr. Stokes noted that is what these rules would do.

Brief discussion followed regarding the typical size of area for an injection well.

Gary Priebe commented that he felt two public hearings are not enough for this type of project, adding that it needs a wider area of representation to the public.

Mr. Stokes stated that staff can hold six public hearing if the Commission desires. He related that six public hearings could be held back-to-back with the Water Supply rules that were just approved.

*Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 55, Aquifer Storage and Recovery Rules, with six public hearing to be held. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED WITH THE STIPULATION OF SIX PUBLIC HEARINGS TO  
BE HELD**

### **FIVE YEAR STRATEGIC PLAN/OPERATOR CERTIFICATION PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Environmental Protection Commission's final approval is the Five-Year Strategic Plan for the Water and Wastewater Operator Certification.

The Safe Drinking Water Act Amendments (SDWAA) of 1996 required EPA to publish guidelines specifying minimum standards for certification of operators of public water supplies. Final guidelines were published in the *Federal Register* on February 5, 1999. An operator certification program, which meets the guidelines, must be adopted and implemented by the Department no later than February 2001 or the federal grants for the Department's Drinking Water State Revolving Fund will be reduced by 20 percent.

The Five-Year Strategic Plan will provide the Department with guidance in meeting SDWAA requirements and improve the program in other areas, including the wastewater program. The current operator certification program meets many of the guidelines but program elements will need to be modified to meet new initiatives in the guidelines. The Strategic Plan will be used to develop regulations and provide the basis for the program's fiscal planning.

A draft Plan was presented to the Commission in October, 1998. Three public hearings were held and a comment period was provided to receive comments on the draft Plan. The attached Responsiveness Summary summarizes the comments received and the Department's response, including changes made to the draft Plan. In general, the Department does not believe there any unresolved issues of importance and the Strategic Plan as presented represents a consensus.

(A copy of the plan is on file in the department's Records Center)

Mr. Stokes briefly presented details of the plan.

*Motion was made by Dean McWilliams to approve the Five Year Strategic Plan for Operator Certification Program. Seconded by Charlotte Mohr. Following a brief discussion the motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

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The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Holnam Incorporated (Mason City) – air quality
- b. LaFarge Corporation (Davenport) – air quality
- c. Sale-R-Villa Construction, Inc. (Perry) – air quality penalty collection
- d. Dean Adrian (Clinton County) – water quality/animal feeding operation
- e. Troy Hanson (Wright County) – feedlot penalty collection
- f. Randy Harbach, dba Randy's Sanitation (Delaware County) – solid waste penalty

**Holnam Incorporated**

Mr. Murphy stated that Holnam is a large cement manufacturer in the Mason City area and staff are trying to administratively resolve some issues in regard to ambient air quality problems. He related that there are a number of issues that warrant enforcement action, most of them centering around construction of facilities that should have gone through NESHAPS scrutiny much sooner. He added that other issues that should be included in the referral are maintenance, excess emission, and failure to report excess emission.

**Byron Taylor**

Byron Taylor, Attorney for Holnam, Inc., addressed the Commission stating that he just learned several days ago of details of the referral. He provided background and history of Holnam noting that there were financial problems when Holnam purchased it. He related that they are a responsible member of the community and have upgraded their pollution control equipment voluntarily. They paved areas to control the dust. Mr. Taylor stated that the company has made some proposals to DNR to install more pollution control equipment within the plant. He noted

that the company's main concern is that a number of the allegations were not taken against Northwestern Cement, years before Holnam purchased the plant. He stated that it is disturbing that these issues would arise at this point in time, and he believe that a number of these issues do not merit referral. Mr. Taylor noted that since Holnam began in 1990 they have cooperated with DNR to address all their concerns. He distributed a copy of his statement to the Commission.

Gary Priebe questioned why there was no dollar amount being specified for a penalty.

Mr. Murphy stated that there are a number of things to address and some of the violations may or may not hold up at the Attorney General's Office. He related that it could be substantial, but the violations and the seriousness of it will have to be addressed through negotiations.

*Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

**REFERRED**

### **LaFarge Corporation**

Mr. Murphy briefed the Commission on the history of this case relating to air quality violations due to exceedances of certain limits in their permit.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Charlotte Mohr.*

Rozanne King asked what the permit was based on if they exceeded emissions at 62% capacity and at 70%.

Mr. Murphy replied that it was the operating conditions on the day they did the test.

*Vote on the motion carried unanimously.*

**REFERRED**

### **Dean Adrian**

Mr. Murphy stated that Mr. Adrian operated an open cattle and swine feeding operation in Clinton County, where there was a runoff incident in 1997 causing an extensive fish kill in Prairie Creek, which was subsequently traced to him. He related that the department sought restitution for the fish kill, which went unresolved. The Director ultimately referred him to the Attorney General who had similar difficulties resolving the issue and is ready to file a lawsuit over that matter. It was agreed that the environmental infractions should also be referred.



Rita Venner asked if the \$8,500 fine is for both the fish kill and the environmental violations.

Mr. Murphy suggested the Commission go into closed session to discuss details of the fine.

Rita Venner commented that following the procedure Mr. Adrian used he may not have known there was going to be runoff after it rained, and the rain was not his intentional mistake. She noted that he did what was asked of him and she finds the fine excessive.

Mr. Murphy pointed out that he was operating the lots and was responsible for them. He added that the majority of the runoff was caused by the sprinkler system as opposed to the rain event. He added that Mr. Adrian admittedly had not cleaned the lot for some time.

*Motion was made by Kathryn Murphy for referral to the Attorney General's Office. Seconded by Rozanne King. Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners Mohr, Murphy, Priebe, King, McWilliams, and Ehm. "Nay" vote was cast by Commissioner Venner. Motion carried on a vote of 6-Aye to 1-Nay.*

**REFERRED**

### **Troy Hanson**

Mr. Murphy briefed the Commission on the history of this case involving discharge violations from a hog confinement.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Dean McWilliams. Motion carried unanimously.

**REFERRED**

### **Randy Harbach, dba Randy's Sanitation**

Mr. Murphy stated that the department will withdraw this referral as his attorney contacted staff and they are now paying the penalty.

**REFERRAL WITHDRAWN**

## **FINAL RULE--CHAPTER 65, ANIMAL FEEDING OPERATIONS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

An Adopted and Filed notice will be presented to the Commission with a recommendation for adoption of final rules for the animal feeding operation program. These amendments are

primarily to Chapter 65 to implement the provisions of HF 2494 and other technical amendments.

The commission previously approved the Notice of Intended Action and it was published in the Iowa Administrative Bulletin on December 30, 1998. Four public hearings were held around the state on January 19, 20, 21 and 22, 1998. A responsiveness summary is attached which summarizes all comments received at the hearings and in writing. It provides a brief discussion and contains the department's recommendation for each subject area in which comments were received.

The department coordinated the development of these rules with the Animal Agriculture Consulting Organization. The responsiveness summary and the department's recommendations have been coordinated with AACO.

(A copy of the rule and responsiveness summary is on file in the department's Records Center)

Mr. Stokes reviewed that the Commission had previously seen the rules as an information item and approved a Notice of Intended Action which included both, recommendations of staff as well as recommendations of the AACO. He noted that the Commission has been provided a copy of the Responsiveness Summary with comments received during the public comment period. Mr. Stokes noted that members of the AACO committee are present to provide their points of view.

Chairman Ehm told the Commission he would like to have a motion on the floor to accept the rules and then deal with the amendments point-by-point on an individual basis.

*Motion was made by Dean McWilliams to approve Final Rule --Chapter 65, Animal Feeding Operations. Seconded by Kathryn Murphy.*

A copy of the March 15, 1999 report of the AACO committee listed their 11 points of disagreement with the department rules. Following arguments by both sides on each of the 11 points of disagreement listed below, the following actions were taken:

1) Rule 65. 1. Definition of Release. AACO recommends a change to make the rules consistent with Iowa Code sections 455B.201 and 455B.381-455B.399.

*Motion was made by Rita Venner to amend this section to allow for a variance if it can be proven there will not be a release to the waters of the state. Seconded by Rozanne King. Motion carried unanimously.*

**POINT 1 - RULES AMENDED TO ADOPT THE AACO  
RECOMMENDED CHANGES**

- 2) Rule 65.2(9)(d). Reporting of lab results by the alleged violator. AACO recommends a rule change to preserve alleged violator's legal status if the DNR pursues an enforcement action.

**POINT 2 - NO ACTION WAS TAKEN BY THE COMMISSION -THIS  
UPHOLDS THE DEPARTMENT RULES AS PRESENTED**

- 3) Rules 65.6(11)(e) and 65.7(6). Operating and construction permit suspension. AACO recommends a change to make the rules reflect Iowa Code sections 455B.104(2), 455B.173(13) and 455N.200 as amended by House File 2494.

*Motion was made by Gary Priebe to approve the AACO recommendation to replace 65.6(11)(e) with the paragraph proposed by AACO, and to also replace 65.7(6) with the paragraph proposed by AACO. Seconded by Charlotte Mohr. Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, McWilliams and Mohr. "Nay" vote was cast by Commissioners Murphy, Venner, King and Ehm. Motion failed on a vote of 3-Aye to 4-Nay.*

**POINT 3 - MOTION FAILED - THIS UPHOLDS THE DEPARTMENT  
RULES AS PRESENTED**

- 4) Rule 65.7(3)(c). Prohibition on issuing a construction permit for one year after last construction. AACO recommends a rule change to narrow the scope of DNR's recommendation but still address the problem.

*Motion was made by Rozanne King to change the wording in 65.7(3)(c) from "may" to "shall" in the last sentence of the suggested change, which would make it read as follows: The department, upon good cause demonstrated by the applicant, shall grant a waiver to this subrule. Seconded by Dean McWilliams. Motion carried unanimously.*

**POINT 4 - RULES AMENDED TO UPHOLD THE ACCO  
RECOMMENDED CHANGE IN WORDING FROM "MAY" TO "SHALL"**

- 5) Rule 65.10(8). Complaint investigations. AACO recommends a rule revision to reflect section 11, HF 2494 and establish procedures for complaints.

*Motion was made by Dean McWilliams to adopt the recommended changes in 65.10(8) as proposed by AACO. Seconded by Kathryn Murphy. Motion carried unanimously.*

**POINT 5 - RULES AMENDED TO ADOPT THE AACO  
RECOMMENDED CHANGES**

- 6) Rule 65.15(11). Anaerobic lagoon and earthen manure storage basin percolation rate. AACO would like to defer the DNR's recommendation regarding the "1/16 inch per day at the design

depth of the lagoon or basin” so that the results of the Iowa State University study on exfiltration rates may be considered.

*Motion was made by Rozanne King to defer this section which would leave it as is in current rules. Seconded by Charlotte Mohr. Chairman Ehm requested a roll call vote. “Aye” vote was cast by Commissioners Priebe, King, McWilliams, and Mohr. “Nay “ vote was cast by Commissioners Venner, Murphy and Ehm. Motion failed on a vote of 4-Aye to 3-Nay. (Note: it takes a majority of the Commission, not just those present, to pass an action.)*

**POINT 6 - MOTION FAILED - THIS UPHOLDS THE DEPARTMENT  
RULES AS PRESENTED.**

7) Rule 65.15(13)(d). Subsequent lagoon loading. AACO recommends a rule change to reflect currently feasible practices and technology. Ubbo Agena recommended that if the Commission adopts the proposed DNR language on page 12 and 13 of the AACO report that under (e) (1) the last sentence should be deleted. Also, under(f) both sentences should be reworded to say “If the anaerobic lagoon is to be dewatered once a year, manure should be removed to approximate the annual manure volume generated plus the dilution water used. If the operation plan for the anaerobic lagoon is to be dewatered more frequently, the anaerobic lagoon liquid level should be managed to maintain adequate freeboard.”

*Motion was made by Rozeanne King to substitute 65.15(13)(d)(e)(f) in the AACO document with (d) and (e) as in the proposed rules, with the suggested changes by Ubbo Agena. Seconded by Kathryn Murphy. Motion carried unanimously.*

**POINT 7 - UPHOLDS PROPOSED DEPARTMENT RULES WITH  
SUGGESTED CHANGES**

8) Rule 65.15(17). Secondary containment. AACO would like additional time to review and discuss these construction standards because of their complex and restrictive nature. It is anticipated that our review would not be complete in time for public comment. The proposed language is suggested to comply with House File 494 and allow further discussion on the issue. Suggested language to replace DNR’s recommendation and changes to existing DNR language are indicated in bold type. 65.15(17) Secondary containment barriers for manure storage structures. Secondary containment barriers shall be used to qualify any operation for the exemption provision in subrule 65.12(5).

*Motion was made by Kathryn Murphy to approve the DNR language under 65.15(17)(a) by changing the words “that could overflow from the manure storage structure” to “stored above the manure storage structure’s final grade.” Seconded by Rozanne King. Motion carried unanimously.*

**POINT 8 - UPHOLDS PROPOSED DEPARTMENT RULES WITH  
SUGGESTED WORDING CHANGE**

9) Rule 65.15(19). Qualified Operations. AACO recommends change to make the rules reflect Iowa Code section 455B.162(2).

**POINT 9 - NO ACTION WAS TAKEN BY THE COMMISSION - THIS  
UPHOLDS THE DEPARTMENT RULES AS PRESENTED.**

10) Rule 65.19(2). Applicator certification - initial test. AACO recommends a change to make the rules comply with section 33 of HF 2494 and Iowa Code section 455B203A(3).

*Motion was made by Rozanne King to replace 65.19(1)(2)(3)(4)(5) with the proposed AACO language. Seconded by Charlotte Mohr. Motion carried unanimously.*

**POINT 10 - RULES AMENDED TO ADOPT THE AACO  
RECOMMENDED CHANGES**

11) Rule 65.19(7)(a). Records for certified applicators. AACO recommends a rule change to avoid duplication of records required.

*Motion was made by Kathryn Murphy to add a sentence to extend the confidentiality provision to commercial applicators. Seconded by Rozanne King. Motion carried unanimously.*

**POINT 11 - AMENDED TO EXTEND CONFIDENTIALITY TO  
COMMERCIAL APPLICATORS**

*The vote on Commissioner McWilliams motion to approve Final Rule--Chapter 65, as amended, carried unanimously.*

**CH. 65 APPROVED AS AMENDED**

**REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

**Sale-R-Villa Construction, Inc.**

Mr. Murphy briefed the Commission on the history of this case regarding NESHAPS asbestos violations.

No one appeared for the appointment was set for a representative to address the Commission, no one appeared to speak to this issue.

*Motion was made by Dean McWilliams for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

## LEGISLATION UPDATE

Larry Wilson, Deputy Director, presented the following item.

### EPC 1999 Legislative Session Update

April 12, 1999

	DNR Bills / Brief Explanation	Comments
HSB64 SSB1028	<b>Toll-Free Pollution Hotline</b>	<b>DEAD</b> Several of the subcommittees have met in both chambers, but haven't taken action on any of these bills. House has decided to combine HSB64, 96, 100 & 94 to make one bill.
	Repeal 455B.116, the requirement for the Department to establish a Toll-Free Pollution Hotline	
HF347 HSB94 SSB1026	<b>BALED SOLID WASTE</b>	<b>Passed House 3/1/99, 94-0</b> <b>Passed Senate NR&amp;E Committee 3/4/99</b>
	Delete language from 455D.9A requiring the department to develop rules defining baled solid waste and identifying proper methods of disposal.	
HF349 HSB96 SSB1030	<b>PUBLIC WATER SYSTEM SOURCE TESTING</b>	<b>Passed House 3/4/99, 97-0</b> <b>Passed Senate NR&amp;E Committee 3/9/99</b>
	Delete 455B.173.6(b), requiring the department to adopt rules requiring public water systems regulated under chapter 455B to test source waters for synthetic organic chemicals and pesticides every three years.	
HF489 HSB100 SSB1025	<b>INFECTIOUS WASTE</b>	<b>Passed House Env. Committee 3/3/99</b>
	A) <b>INFECTIOUS WASTE MANAGEMENT PROGRAM:</b> Delete language from 455B.501 requiring the department to institute and infectious waste management	
	B) <b>INFECTIOUS MEDICAL WASTE - REGENT INCINERATOR EMISSIONS:</b> Repeal 455B.502, requiring regents to monitor emissions and meet the department emission limitations.	
	C) <b>INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITY RULES:</b> Delete language from 455B.503 requiring the department	

to develop rules for disposal facilities.

D) INFECTIOUS MEDICAL WASTE COLLECTION AND TRANSPORT PERMIT RULES: Repeal 455B.504 requiring the commission to adopt rules, which govern infectious medical waste collection and transportation.

HSB95 SSB1032	PESTICIDE AND FERTILIZER CONTAMINATED SITES	No Action. Department has decided not to push this bill. Waiting for development of cleanup fund leg. to merge.
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**DEAD** Repeal 455B.601, the requirement for the Commission to adopt rules establishing criteria for classification and prioritization of pesticide and fertilizer contaminated sites.

HSB55 SSB109	NET ENERGY MEASUREMENT AND METERING	No Action. Will need to get support from private groups to ensure passage. Enlisted community action agency.
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**DEAD** Section 476, 476.42 would require the use of a metering system by producers of electrical energy which uses as its fuel either solar, wind, biomass, or hydropower.

Investor-owned utilities have told senate subcommittee that this requirement will be included in deregulation bill. We want this as a separate issue, and need to work on the subcommittee.

Other bills of interest		Comments
HF36	Violation Disclosure to DNR	Rep. Chapman's bill
<b>DEAD</b>	Require that DNR apps. under chapter 455B include language that discloses adm., civil and criminal enforcement actions taken against the applicant for the previous five years. DNR could deny apps if applicant met habitual violator provisions.	Department does not oppose, and has worked with Chapman and Bradley on an amendment to clarify wording. Subcommittee assigned, no action.
HF37	Expansion of Bottle Bill	Rep. Burnett
<b>DEAD</b>	Expands bill to include non-carbonated drinks, increases nickel deposit to dime, and increases the 1 cent retailer payment 2 cents.	Department does not oppose. Subcommittee assigned, no action.
HF131	AFO Permits and county siting boards	Rep. Gipp
<b>DEAD</b>	Establishes a county siting board, which has 30 days to review swine applications. Within that 30 days, the siting board would have authority to deny permit. Takes appeals process away from EPC and vest it in new Appeals Board. Would also formalize AACO through 2005.	Department position unknown. No subcommittee assigned.
HF442 HF141	<b>Cleanup payments from UST fund for Gov Units</b> Payment from remedial account to governmental entities for cleanup of sites acquired through condemnation, etc, includes restitution from previous landowner.	<b>Rep. Rants &amp; Rep. Whithead, respectively Passed House Env. Committee 3/2/99</b> Department does not oppose. No effect on DNR, UST Board is currently reviewing. No action taken
HF151	Cleanup payments from UST fund for Gov Units	Rep. Rants & Rep. Whithead, respectively

<b>DEAD</b>	Payment from remedial account to governmental entities for cleanup of sites acquired through condemnation, etc.	Department does not oppose. No effect on DNR, UST Board is currently reviewing. No action taken
HF196 <b>DEAD</b>	Tax Exemption on Pollution Control Equipment Expands existing law to require equipment to control AND abate pollution, rather than one or the other, and requires point source pollution tax exempted equipment to reduce toxicity, odor, or other pollution control measures.	Rep. Witt Department does not oppose. Not sure that this would change our current program. DNR does not actively check these sites for compliance. Owner sends in certification form. No action taken
HF216 <b>DEAD</b>	Time Extensions for HF2494 Extends commercial applicator certification to 7/1/99 and confinement site applicator certification to 10/1/99.	Rep. Weigel DNR in favor. No action taken.
HF219 SF64 <b>DEAD</b>	Local Siting Control of AFO's less than 300,000 pounds live weight. Amends provisions of current law to allow county to adopt a siting ordinance and respective commission for swine operations more than 300K pound live weight.	Rep. Scherrman & Frevert, Sen. Kibbie Department position unknown. EPD has no objection to this bill.
HF618	<b>Establish On-Site Sewage Disp Revolving Loan Fund</b>	<b>Rep. Dolecheck &amp; Richardson, Sen. Angelo</b>
HF226 SF103	Loans available to counties, rural water districts and councils of governments for renovation or replacement of rural resident on-site disposal systems.	<b>Passed House Env. Committee 3/4/99</b> DNR does not oppose. Department has formulated comments and will be passing them along to the Representatives this week. Made several minor changes. No Action taken.
SF6	<b>Tax Exemption on Pollution Control Equipment</b> Removes property used for care and feeding of livestock from eligible exemption.	<b>Sen. Kibbie</b> <b>Passed Senate Ways &amp; Means 3/9/99</b> Department is neutral. No action taken.
SF18 <b>DEAD</b>	Energy Performance Contracting with Schools Amend Iowa Code to provide a specific methodology for schools to enter into guaranteed energy/dollar saving projects.	Sen. Angelo Department is neutral, but not in favor. With reservations, this bill did not pass senate last year. Stopped after school associations concerns were not answered. Such as, can school districts enter into this type of agreement without going through the competitive bid process. Also, the definition of an energy conservation measure does not include renewables. No action taken.
SSB1090	<b>10% Ethanol Mandate</b> Would require all gasoline sold in state to be blended with 10% ethanol and remove the state 1 cent tax.	<b>Corn Promotion Board</b> <b>Passed Senate NR&amp;E Committee 3/9/99</b> Department favors bill. Likely to go to interim committee.

**New Bills Since Last EPC Meeting**



<b>HF412</b>	<b>Increase # of members of Leopold Center Adv. Board</b> This bill increases the membership of the board to include representatives of agricultural organizations. (Farm Bureau, farmers union, practical farmers, agri bus. Assn)	<b>Ag Committee</b>  <b>Passed House 3/10/99, 97-2</b>
<b>HF531</b>	<b>HF2494 deadline extensions</b> <del>Extends certification of commercial manure</del> applicators to July 1, 1999, and certification of confinement site manure applicators to October 1, 1999.	<b>Ag Committee</b> <del><b>Passed House Ag Committee 3/3/99</b></del>
<b>HSB199</b>	<b>Ozone transport</b> Requires DNR to contact Legislature or legislative oversight committee if EPA were to require a state implementation plan for OTAG.	<b>Env. Protection Committee</b> <b>Passed House Env. Committee 3/9/99</b>
<b>SF60</b>	<b>Annual Environmental Violations Report</b> The department would be required to report the following: 1. hazardous conditions reported to the department. 2. status of enforce actions taken previous calendar year. 3. summary of admin penalties due to the department or appealed, all penalties due to department or appealed from cases referred to the AG's, and all penalties paid during the previous calendar year. 4. status of all pending cases referred to the AG office 5. status of all pending contested cases.	<b>Fink</b> <b>Passed Senate NR&amp;E</b>
<b>SF253</b>	<b>Property Contaminant Statement</b> Bill repeals requirement for contaminant statement to be filed with county recorders and DNR	<b>NR&amp;E Committee</b> <b>Passed Senate NR&amp;E 3/1/99</b>
<b>SF299</b>	<b>Pesticide/Fertilizer Remediation Fund</b> Development of board and a fund in IDALS to provide assistance to ag & chemical contaminated sites. New board would develop standards for cleanup and determination of level of cleanup necessary.	<b>Sen. Sexton</b> <b>Passed Senate Ag Committee 3/11/99</b>
<b>SF322</b>	<b>Ban of unformed manure storage structures</b> Bill would ban any new earthen lagoons from the state. Would not eliminate existing earthen lagoons.	<b>Sen. Kibbie</b> <b>Passed Senate NR&amp;E Committee 3/11/99</b>

Brief discussion followed regarding the bottle bill, deer bills, and tax exemption on pollution control equipment.

<b>INFORMATIONAL ONLY</b>
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**GENERAL DISCUSSION**

Director Johnson recognized Allan Stokes for his 27 years of work with state government noting that he has done good work and is a true professional.

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**NEXT MEETING DATES**

April 19, 1999

May 17, 1999

June 21, 1999

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 5:05 p.m., Monday, March 15, 1999.



Paul W. Johnson, Director



William Ehm, Chair



Charlotte Mohr, Secretary

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